

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP NO. 25463 OF 2021

DATE OF DECISION: 16.12.2021

Dr. Sunil Gupta and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. R. K. Bagga, Advocate,
for the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana.

(Presence marked through video conferencing).

ARUN MONGA, J. (ORAL)

Petitioners herein, *inter alia*, seek issuance of a writ in the nature of *certiorari* quashing orders contained at Annexures P-5 to P-9, vide which benefit of first Assured Career Progression (ACP) Scheme has been granted to the petitioners by counting their length of service, after excluding the period of pursuing their Master's degree. Further prayer has been made seeking modification of the above mentioned orders and to grant all the financial benefits of annual increments since the date of initial joining, as well as, grant of ACP by counting 07 years of service period from the date of their respective joining in AYUSH department.

2. Learned counsel for the petitioners submits that petitioners are working as Ayurvedic Medical Officer in AYUSH Department, Haryana. All the petitioners were already pursuing their Master's degree

courses at the time of their respective joining and therefore, they made

representation for grant of extraordinary leave to complete their respective Master's degree courses. The said permission was granted vide orders contained at Annexures P-1 to P-4, respectively. There was no such condition in the sanctioning letter that first ACP shall be given to them after excluding the said period of pursuing their respective Master's degree courses.

3. Learned counsel for the petitioners submits that qua their aforesaid grievance, petitioners submitted representations dated 15.10.2018, 09.06.2021 and 05.09.2019 (Annexures P-11, P-12 and P-13, respectively), but to no avail. Hence, the instant petition.

4. Learned State counsel, on advance service, joins proceedings and states that competent authority shall take appropriate decision on the pending representations dated 15.10.2018, 09.06.2021 and 05.09.2019 (Annexures P-11, P-12 and P-13, respectively).

5. At this stage, learned counsel for the petitioners also agrees that let a final decision be taken, either way, by the competent authority on the said pending representations, giving reasons thereof.

6. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

7. Without commenting on the merits of the case, the writ petition is disposed of with a direction to the competent authority to look into the grievance of the petitioners, as per representations dated 15.10.2018, 09.06.2021 and 05.09.2019 (Annexures P-11, P-12 and P-13 respectively) and also by keeping in view the contentions raised in the

present petition by treating the same as supplementary representation and take decision, in accordance with law.

- 8. Let the needful be done within a period of three months from today.
- 9. Disposed of accordingly.

DECEMBER 16, 2021
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No