

In the High Court of Punjab and Haryana at Chandigarh

123

CWP-7185-2022 (O & M)

Date of Decision: May 25, 2022

SATPAL MOR ALIAS

SATYAPAL SINGH AND OTHERS

.....PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.S.S.Dinarpur, Advocate for the petitioners.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioners are seeking a direction to the respondents to grant them the benefit of ACP scales/upgradation of the pay scales.

Learned counsel for the petitioners submits that the petitioners are matriculate and had joined services as Peon and they were later promoted as Clerks but subsequently they were not promoted and, therefore, they would be entitled to the benefit of ACP Scheme for higher scale.

Heard.

The petitioners are stated to be matriculate when they had joined as peons. They have not been able to upgrade their qualification. They had earned one promotion to the rank of Clerk. The case of the petitioner had been rejected on the ground that to be eligible for the ACP Scheme, they have to possess the essential qualification for the promoted post. The ACP scale is given to the employees, who although are eligible for promotion but cannot be accorded promotion for want of vacancies etc. The qualification for promotion to the post of Junior Accountant to which the promotion is made from the post of Clerk, is graduation. The petitioners are not graduate. A perusal of the impugned order reveals that writ petition bearing CWP-883-2015 filed by one

Vijay Kumar, which was allowed by holding that the condition of graduation for promotion to the post of Junior Accountant had been imposed through amendment on 25.06.2014 and, therefore, the petitioner therein, who are already in the cadre prior thereto, would be entitled to the promotion without insisting on the qualification. This order was challenged by the private respondents by preferring LPA No.1463-2016, which was allowed on 01.03.2018.

Learned counsel for the petitioner submits that against the decision of LPA, SLP(Civil) No.22956-2018 is pending adjudication.

In view of the above, especially when the petitioners are not qualified for promotion, the impugned order denying them the benefit of the ACP does not suffer from any infirmity which would call for interference in writ jurisdiction.

However, it is clarified that the judgment of the Supreme Court in SLP(Civil) No.22956-2018 would be applicable to the parties herein.

At this stage, learned counsel for the petitioners submits that petitioner No.2 is a graduate and is entitled to the ACP but his case has also been rejected without distinguishing it or assigning any reason. Petitioner No.2 would prefer a representation with regard to his claim to respondent No.3 and respondent No.3 is directed to consider and decide the same in accordance with law within a period of three months from the date of its receipt.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

May 25, 2022
A.Kaundal

Whether speaking/ reasoned : Yes/No
Whether Reportable : Yes/No