

In the High Court of Punjab and Haryana at Chandigarh

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CWP-10045-2022 (O & M)

Date of Decision: May 12, 2022

RAJENDER SINGH

.....PETITIONER

VERSUS

**UTTAR HARYANA BIJLI VITRAN
NIGAM LTD AND ORS**

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Shivam Malik, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the order dated 14.01.2021 whereby his claim for 3rd benefit under the Assured Career Progression (ACP) has been declined.

Learned counsel for the petitioner submits that the petitioner was appointed as Workmate on regular basis on 21.06.1993. Thereafter he had applied for the post of driver and had been appointed as driver on 08.06.1996. He submits that the petitioner would be entitled to the 3rd ACP especially when his appointment as a Driver was a fresh appointment and was against advertisement. The respondents have erroneously declined the claim of the petitioner on the ground that he had been promoted as a Driver.

Heard.

The petitioner was appointed as Workmate in the year 1993. Thereafter, he had been appointed as a Driver. A perusal of the impugned order indicates that the appointment of the petitioner as a Driver was by way of promotion. In response to the query of this Court as to whether the order of appointment as Driver has been appended with this petition, learned counsel

for the petitioner submits that the order of appointment as Driver was not readily available and, therefore, the same has not been appended with the petition. The pay scale of the post of Driver is admittedly higher than the pay scale of Workmate. The impugned order specifically mentions that the petitioner had been promoted to the post of Driver. In the absence of appointment order of the petitioner as Driver, I cannot accept his contention that the petitioner's appointment as a Driver was a fresh appointment and was against advertisement. It has to be accepted that the petitioner had been promoted to the post of Driver in view of there being a categoric mention in this regard in the impugned order. The petitioner has not been able to rebut this assertion of the respondents. The perusal of the Rules wherein the ACP Scheme has been formulated indicates that the 3rd benefit under the Scheme would be granted only when there is no promotion or financial upgradation. The petitioner was promoted as Driver and, therefore, he has already been granted two ACP benefits thereafter and thus he would not be entitled to the 3rd benefit.

Consequently, I do not find any merit in the instant petition which stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

May 12, 2022
A.Kaundal

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