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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-10349-2019 (O&M)
Date of decision: 19.12.2022

ROOP LAL

...Petitioner

VERSUS

PUNJAB STATE POWER CORPORATION LIMITED AND ANR.

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ashok Kumar Nabhwala, Advocate for the petitioner.

Mr. Chetan Goyal, Advocate for the respondents.

JAISHREE THAKUR, J. (Oral)

By way of filing the instant writ petition, the petitioner herein has challenged the order dated 06.03.2019 (Annexure P-11), whereby the second ACP allowed to the petitioner stands withdrawn on the ground that he refused to accept the promotion from the post of Upper Division Clerk to Assistant Revenue Accountant.

Learned counsel for the petitioner would contend that the petitioner was appointed as Lower Division Clerk in PSPCL in the scale of Rs.950-1800 on 16.02.1995. In completion of nine years of regular service on 09.03.2004, he was granted first ACP scale. He was then promoted as Upper Division Clerk on 29.07.2010. Then on completion of 16 years of regular service, second ACP scale was granted to him in the scale of Rs.10900-36500 with grade pay of Rs.4150 on 11.04.2012. Thereafter, on account of domestic conditions, the petitioner foregone his promotion from the post of Upper

Division Clerk to Assistant Revenue Accountant. However, by the impugned order, the benefit of second ACP scale stands withdrawn. It is submitted that the petitioner could not have been denied the benefit of second ACP on account of the fact that he had foregone his promotion long time after grant of revised ACP scale. He would rely upon judgments rendered by this Court in *CWP No.12252 of 2011*, titled as *Nawal Kishore and others versus Punjab State Power Corporation Limited, Patiala and others*, decided on 16.07.2018 and *CWP No.15328 of 2017*, titled as *Amarpreet Singh Walia versus Punjab State Power Corporation Limited and others*, decided on 22.09.2022.

I have heard learned counsel for the parties.

The petitioner had already been granted second ACP scale and it was subsequently that he has foregone the promotion. Thus the benefit which had already been granted to the petitioner, cannot be taken away, as has been held in the judgments referred by the counsel for the petitioner.

Consequently, the present writ petition is allowed and impugned order dated 06.03.2019 (Annexure P-11) is set aside. Since the petitioner herein has retired on 30.06.2021, while restoring the benefit of second ACP scale from the day it was withdrawn, his pension would also be revised accordingly. Let the entire exercise be done expeditiously, preferably within a period of three months from the date of receipt of the certified copy of this order and the entire arrears be released to the petitioner, within a period of two months thereafter.

(JAISHREE THAKUR)
JUDGE

19.12.2022
Chetan Thakur

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No