

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CWP-3092-2014

Date of Decision :24.05.2022

Bhupinder Kaur

..Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Deepak Gupta, Advocate for the petitioner.

Mr. Navdeep Chhabra, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

In the present writ petition, the challenge is to action of the respondents in not granting the petitioner benefit of Assured Career Progression Scheme after rendering eight years of service in the cadre of Child Development and Project Officer.

As per the averments made in the petition, the petitioner was initially appointed as Supervisor on 09.11.1979 and was promoted as Child Development and Project Officer in June, 1987. After rendering eight years of service, the petitioner was entitled for the grant of benefit of ACP, which benefit was not extended to her by the respondents on the ground that on the said date, keeping in view the punishment imposed upon the petitioner in the year 1994, whereby, two increments of the petitioner was stopped without cumulative effect, the petitioner cannot be granted the said benefit.

After the punishment expired in the year 1996, the respondents still did not grant the petitioner the benefit of ACP after rendering 08 years of service on the ground that 02 years, for which, the petitioner suffered punishment starting from August, 1994 till August, 1996 cannot be taken into account for computing the period of 08 years and, therefore, the petitioner was not granted the said benefit and ultimately the said benefit was released to the petitioner in the year 2000, which action of the respondents is under challenge in the present petition.

After notice of motion, respondents have filed reply, wherein, the respondents have stated that there were adverse remarks against the petitioner in the years 1991-92 as well as in the years 1993-94 and a punishment was imposed upon the petitioner in August, 1994, due to which, though, the petitioner was eligible for the grant of benefit of ACP in the cadre of Child Development and Project Officer after rendering 08 years of service but, the same could not be granted to her and ultimately the petitioner got the same benefit from July, 2000. As per the respondents, 50% of the ACRs are required to be good and two reports out of the last 03 years reports should be good so as to get the benefit of ACP, which eligibility the petitioner did not complete. Respondents have reproduced the record of the petitioner in the additional affidavit dated 29.03.2022, which has been filed to contend that it was only in the year 2000, the petitioner made out a case, keeping in view the eligibility described for the grant of benefit of ACP, for which, the same has been extended.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Respondents in their reply have conceded that the petitioner

became eligible for the grant of benefit of ACP after rendering 08 years of service in July, 1995 but, due to the punishment imposed upon the petitioner, her case could not be considered till 1996, upto which date, the punishment imposed upon the petitioner in August, 1994 was to run and after the said date, there was no impediment in consideration of the claim of the petitioner by the respondents in accordance with law but, the respondents, as per their wisdom, did not consider the claim of the petitioner on the ground that two years period starting from August, 1994 till August 1996 is not to be taken into consideration while computing 08 years of required period of service. This assertion of the respondents is not correct. It is conceded position that petitioner was imposed a minor punishment of stoppage of two increments without cumulative effect. That being so, after the punishment is over, the petitioner will become eligible for increments in the next salary and, consequently, two years period from August, 1994 till August 1996 has to be taken into account for grant of benefit of ACP after rendering 08 years of service.

This Court is not commenting upon as to whether the petitioner is entitled to get the said benefit or not as the same will depend upon the entitlement of the petitioner keeping in view her Annual Confidential reports but, after the expiry of period of punishment i.e. August, 1996, the petitioner is entitled for consideration of her claim for the grant of ACP.

Keeping in view the above, the present writ petition is disposed off with the direction to the respondents to consider the claim of the petitioner as on 01.09.1996 for the grant of benefit of ACP after rendering 08 years of service in the cadre of Child Development and Project Officer.

Let the said consideration be carried out within a period of two

months from the date of receipt of copy of this order. In case after consideration it is found that the petitioner is entitled for any benefit, the same will also be extended to her within a period of next four weeks.

Present petition stands disposed of in above terms.

May 24, 2022

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No