

In the High Court of Punjab and Haryana at Chandigarh

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CWP-6500-2022 (O & M)

Date of Decision: July 27, 2022

NARAIN SINGH AND ORS

.....PETITIONERS

VERSUS

HARYANA VIDYUT PRASARAN

NIGAM LTD AND ORS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Arihant Goyal, Advocate for the petitioners.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioners have sought a direction to the respondents to pay the interest on arrears of the ACP, which fell due with effect from 01.01.2007 and 01.04.2014.

Learned counsel for the petitioners submits that the payment of the arrears of the ACP scale, which was due to the petitioners with effect from 01.01.2007 and 01.04.2014 had been made only on 18.09.2018 and, therefore, the petitioners would be entitled to interest at the rate of 12 per cent for the delay in payment of the arrears. He has relied upon the judgment of this Court in CWP-26284-2016 titled as **Radhe Shyam Sharma versus State of Haryana and others** decided on 27.07.2018. He further submits that the ACP is part of the pay structure and any delay in the payment thereof would entitle the petitioners to award interest. He has relied upon the judgment of the Supreme Court in the case of **Union of India versus Balbir Singh Turn,** passed in Civil Appeal Diary No.3744 of 2016 decided on 08.12.2017.

Heard.

The petitioners had earlier approached this Court and it was in pursuance to the directions of this Court that the benefit of ACP scale had been granted to them. The petition preferred by them bearing CWP-27062-2016 had

been disposed of as infructuous on 22.01.2018 by recording the statement of the counsel for the respondents therein that the first ACP scale had been granted and the second ACP scale would be granted in due course. There was no direction of this Court to grant the interest on the payment of the ACP. This petition had been preferred now after four years of the disposal of the earlier petition. In **Radhe Shyam Sharma's** case (supra), the petitioner therein had retired from service and recovery of the excess amount was ordered to be effected. This Court had directed that the pay of the petitioner therein would be fixed and in that order itself, it was specified that he would be entitled to 06 per cent interest on the delayed payment. The petition preferred by the petitioners earlier had been disposed of without any such direction for payment of interest. The judgment of the Supreme Court in the case of **Union of India vs. Balbir Singh Turn's case (supra)** pertained to the grant of modified Assured Career Progression Scheme for the personnel of the Armed Forces on the basis of the recommendation of the pay commission. However, there is no denying the proposition that ACP scale is part of the pay structure but as already noticed hereinbefore that the petitioners herein had already been granted ACP scales and there was no direction with regard to the payment of interest in the earlier petition preferred by them. Therefore, I do not find the petitioners to be entitled to the grant of interest on ACP at this stage.

The petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

July 27, 2022
A.Kaundal

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