

**229 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-6111-2018
Date of Decision 28.07.2022**

MOHINDER SINGH

.....Petitioner

Vs

STATE OF HARYANA AND ANR

.....Respondents

CORAM HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present Mr. P.K. Chugh, Advocate for the petitioner.

Mr. R.S. Budhwar, Addl. A.G. Haryana.

HARSIMRAN SINGH SETHI, J.(Oral)

In the present petition, the grievance of the petitioner is that respondents have wrongly withdrawn the benefit of second ACP of the petitioner which was granted w.e.f 01.10.2008. As per the facts mentioned in the petition, the petitioner was initially appointed as Junior Lecturer Assistant on 03.08.1992 on adhoc basis and thereafter, his services were regularized on 30.10.1988. After completion of 10 years of service, the petitioner was granted first ACP in the cadre of Junior Lecturer and while working on the post of Junior Lecturer, the petitioner applied for direct recruitment for the post of Senior Lecturer, against which post he was selected by the respondents.

Thereafter, the petitioner was also extended the second ACP w.e.f. 01.10.2008 which is to be given after 20 years of service. The petitioner continued working with the respondents till he attained the age of superannuation in the year 2017. After the retirement, the petitioner applied

for the grant of third ACP on the ground that he has rendered 30 years of his services but the same was not accepted by the respondents and even the second ACP granted to the petitioner w.e.f. 01.10.2008 has withdrawn, which order is under challenge in the present petition.

Learned counsel for the petitioner submits that respondents have wrongly withdrawn the benefits of second ACP which was extended to him, which is totally arbitrary and rather should have grant the benefit of third ACP.

After notice of motion, respondents have filed their reply wherein it is stated that the petitioner was initially appointed as Junior Lecturer Assistant and after completion of 10 years of service in the said cadre, he was granted benefit of first ACP. As per the respondents, since the petitioner was directly recruited against the post of Senior Lecturer Assistant in the year 2002, the benefit of ACP can only be granted keeping in view of the service which the petitioner had in the cadre of Senior Lecturer Assistant but he was wrongly extended the benefit of second ACP by treating his service as junior Lecturer Assistant which he was performing since 1984.

Learned State counsel further submits that as second ACP was wrongly extended, the same was withdrawn, however, no recovery was effected from the petitioner.

I have heard learned counsel for the parties and perused the case file.

Learned counsel for the petitioner has not able to justify as to how, the petitioner was entitled for the grant of second ACP w.e.f.

01.10.2008. It is a conceded position that an employee is entitled for the grant of ACP after completion of 10 years in a particular cadre. In the cadre of Senior Lecturer Assistant, the petitioner was appointed in the year 2002 and by 01.10.2008 the petitioner has not even completed 10 years of service for the grant of ACP in the said cadre. The petitioner was extended the benefit of second ACP because of the inadvertent mistake committed by the respondents by taking into consideration the service in which the petitioner has rendered in the cadre of Junior Lecturer Assistant.

No infirmity is found in the withdrawal of benefit of second ACP w.e.f. 01.10.2008 from the petitioner, especially when no recovery of the excess amount paid has been effected from the petitioner.

Dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

July 28, 2022
monika

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