

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(226)

CWP No. 8820 of 2017

Date of Decision : 16.03.2022

Inspector Sarwan Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. A.S. Parjapati, Advocate for
Mr. Kamaldeep Singh Sidhu, Advocate for the petitioner.

Mr. Kannan Malik, A.A.G., Punjab.

Harsimran Singh Sethi J. (Oral)

The present petition has been filed for the grant of increments as the petitioner has completed 9 years of service in the cadre of Inspector.

Learned counsel for the petitioner argues that the petitioner was promoted to the rank of Inspector on 14.11.2002 and hence, he completed 9 years of service required for the grant of ACP on 14.11.2011 and, therefore, as the petitioner retired from service on 30.06.2013, he had completed the requisite 9 years service in the cadre of Inspector, therefore, petitioner is entitled for the grant of promotional increment.

Upon notice of motion, the respondents have file their written statement, wherein, it has been mentioned that after the filing of the writ petition, there has been a change in the seniority in the cadre of Inspector and the earlier promotion given to the petitioner in the cadre of Inspector on 14.11.2002 has been changed to 06.07.2011 and, therefore, on the date when petitioner attained the age of superannuation i.e. 30.06.2013, he did

not had requisite 9 years' experience so as to claim the concession of ACP after a period of 9 years in the cadre of Inspector. Respondents have also attached the order of re-fixation of senior as well as the pay of the petitioner as Annexure R-2, which document has not been disputed by learned counsel for the petitioner. No replication has been filed to the averments made in the written statement.

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

While filing the petition, the prayer of the petitioner is that as he was promoted in the cadre of Inspector on 14.11.2002 and he completed a period of 9 years prior to the date when he attained the age of superannuation on 30.06.2013, he is entitled for the grant of ACP in the cadre of Inspector after completing 9 years of service. The date of promotion of the petitioner in the cadre of Inspector has already been changed from 14.11.2002 to 06.07.2011. That being so, the basis of the claim does not exist any more. Concededly, the petitioner did not had 9 years of service in the cadre of Inspector keeping in view his changed seniority and changed revised date of promotion in the cadre of Inspector so as to claim the ACP after rendering 9 years of service in the cadre of Inspector.

No ground is made out to grant the relief as being claimed by the petitioner in the present writ petition.

Dismissed.

March 16, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes