

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

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**CWP-553-2023 (O&M)
Date of decision: 12.01.2023**

Dharampal

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Jawahar Lal Goyal, Advocate for the petitioner.

Mr. R.S. Budhwar, Addl. AG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the petition under Article 226/227 of the Constitution of India is for issuance of a writ in the nature of certiorari to quash the objection issued on Online Portal (Annexure P-18) vide which objection has been raised in the claim of the petitioner for award of 2nd ACP/3rd Financial Up-gradation w.e.f. 01.05.2019 in the grade pay of Rs. 5400/- in the ACPL-12 and pay fixation with verification dated 10.10.2022 (Annexure P-22) vide which the benefit of 1st Financial Up-gradation granted to the petitioner in the year 2003 has been withdrawn and his basic pay has been fixed at lower stage.

Learned counsel for the petitioner submits that the petitioner was appointed as JBT Teacher on 23.11.1995 on regular basis against SC Category and promoted to the post of Head Teacher vide order dated 02.04.2003. The petitioner was further promoted to the post of S.S. Master vide order dated 04.07.2005 and he joined as S.S. Master on 15.07.2005. After joining as S.S. Master, the pay of the petitioner was not re-fixed as he

was not granted any financial up-gradation because the pay scale of Head Teacher/Master/Hindi Teacher/TGT was same. The pay of the petitioner was re-fixed and benefits of Ex. Cadre post were withdrawn on 10.10.2022.

Learned counsel for the petitioner further submits that similarly situated employee-Chander Parkash has already been granted the benefits 1st ACP vide order dated 02.06.2020 and 2nd ACP vide order dated 25.06.2020 by the District Elementary Education Officer, Hisar, vide office order dated 02.06.2020, as per the reply submitted by the respondent-State in CWP-26681-2019.

Learned counsel for the petitioner also submits that the petitioner has also served a legal notice dated 12.04.2022 (Annexure P-20) to respondent Nos. 2 and 3 through a registered speed post. The petitioner will be satisfied, if legal notice dated 12.04.2022 (Annexure P-20) is decided by respondent No.2-Director, Elementary Education, Haryana, within a stipulated period.

Notice of motion.

On the asking of this Court, learned State counsel accepts notice on behalf of the respondent-State.

In view of the above, the present petition is disposed of with a direction to respondent No.2-Director, Elementary Education, Haryana to decide the legal notice dated 12.04.2022 (Annexure P-20) within a period of 08 weeks from the date of receipt of certified copy of this order, by passing a speaking order, in accordance with law.

(HARNARESH SINGH GILL)
JUDGE

12.01.2023

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No