

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

(221)

CWP-2269-2019

Date of Decision : October 31, 2023

Raj Kumar**.. Petitioner****Versus****State of Haryana and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Rakesh Nagpal, Advocate, for the petitioner.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the claim of the petitioner is that even upon completion of 30 years of service, the petitioner was not given 3rd ACP, which is required to be given to an employee as per the ACP Rules of the year 2008, which have been issued by the respondent-State.

2. As per the averments made in the petition, the petitioner was appointed as Cleaner on 20.07.1968 with Haryana State Roadways Department. The petitioner was granted the first promotion as Assistant Fitter on 04.11.1970 and thereafter to the post of Fitter on 01.05.1974. The petitioner attained the age of superannuation and retired in the year 2008.

3. As per the instructions issued by the Government of Haryana, the employees are entitled for the grant of ACP on completion of 10/20/30 years of service and according to the petitioner, the petitioner completed 30

years of service in the year 1998 but his 3rd ACP benefit has not been extended to him. The prayer of the petitioner is for issuance of a direction to the respondents to consider his claim for the grant of 3rd ACP on completion of 30 years of service with consequential benefits.

4. In the reply filed by the respondent-State, the respondents have submitted that the petitioner's record was not good enough to grant the said claim of 3rd ACP. As per the reply filed, the petitioner's ACR for the year 2004-2005 was written as "integrity doubtful" hence, according to the rules governing the service, in case there is an integrity doubtful report, the benefit of ACP cannot be granted as the employee is not eligible for the promotion.

5. Learned counsel for the respondents submits that even otherwise the record of the petitioner was such which did not entitle him for grant of further promotion hence, the petitioner was even otherwise not entitled for the grant of the said ACP.

6. Learned counsel for the petitioner rebuts the stand taken by the State and submits that the petitioner completed 30 years of service in 1998 whereas, the report which is being brought into operation to deny the claim of the petitioner is of the year 2004 which even otherwise could not have been taken into account for denying the benefit of 3rd ACP. Learned counsel for the petitioner submits that nothing has come on record to show that the petitioner was ineligible on any account for the grant of ACP on completion of 30 years of service in the year 1998.

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

8. It is a conceded fact that as per the rules governing the grant of ACP, an employee, who has completed 10/20/30 years of service in a

particular cadre but has not been granted the benefit of promotion, is entitled for the benefit of ACP. That being so, the petitioner, who was appointed on 20.07.1968, completed 30 years of service on 20.07.1998. Concededly, the report regarding the integrity doubtful which has been taken into account for denying the benefit of ACP is for the year 2004-2005, which is much after completion of 30 years of service hence could not have been taken into account to deny the benefit of ACP as being claimed by the petitioner in the present petition.

9. Hence, the respondents are directed to consider the claim of the petitioner for the grant of 3rd ACP by taking his record upto 20.07.1998 and appropriate order be passed within a period of two months from the receipt of copy of this order as to whether, on the basis of the service record upto the year 1998 the petitioner is entitled for the grant of ACP or not. In case, after the passing of the order, the petitioner is found entitled for the grant of benefit of ACP, the consequential benefits will also be released to him within a further period of eight weeks.

9. The present writ petition is disposed of in above terms.

October 31, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No