

CM No. 17133-CWP-2023 in/and
CWP No. 2466 of 2020

2023:PHHC:131907

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(104)

CM No. 17133-CWP-2023 in/and
CWP No. 2466 of 2020
Date of Decision : 10.10.2023

Ram Phal Singh

...Petitioner

Versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ravi Verma, Advocate for the petitioner.

Mr. Pankaj Middha, Additional Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

CM No. 17133-CWP-2023

Present application has been filed for recalling the order dated 06.09.2023, by which, the present petition was dismissed for non-prosecution.

Notice of the application to the counsel opposite.

Mr. Pankaj Middha, learned Additional Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondents. He raises no objection for the grant of prayer as made in the present application.

Keeping in view the averments made in the application, which is duly supported by an affidavit, coupled with the fact that learned

counsel for the respondents has not objected to the relief as prayed in the present application, the same is allowed. The order dated 06.09.2023 is recalled and the appeal is restored to its original number and status.

CWP-2466-2020

The present petition has been filed challenging the order dated 06.04.2018 (Annexure P-6) by which the claim of the petitioner for the grant of 3rd ACP has been declined by the respondents.

Learned counsel for the petitioner argues that in the present case, the petitioner retired from service on 31.03.2017 on which date, the petitioner had completed 24 years of regular service so as to become eligible for the grant of 3rd ACP, whereas, the said benefit has not been extended to him on the ground that the said ACP was to be given on 01.04.2017 and on the said date, the petitioner had already retired.

Learned counsel for the petitioner submits that in the replication, the claim of one Vinod Kumar, who was similarly situated as the petitioner, who had also completed the requisite period of 30 years of service on 31.12.2008, was granted the benefit of 3rd ACP from the date, he retired, which was admissible to him on 01.01.2009. Similar example has been given of one Rajinder Singh Chauhan, who was granted the benefit of completion of 24 years service though, he retired on 31.03.2020 and was to be granted the said benefit from 01.04.2020. Learned counsel submits that the petitioner has been discriminated as the rules have been relaxed in favour of the similarly situated employees, which benefit is not being granted to the petitioner.

Learned State counsel submits that in case, any representation is filed by the petitioner raising his claim on the basis of the relaxation granted to the similarly situated employees, the claim of the petitioner will be considered as per the documents/precedents brought before the authorities concerned and an appropriate order will be passed considering those documents/precedents qua the admissibility of the claim to the petitioner as raised in the representation and the said order will be passed within a period of eight weeks from the receipt of any such representation and in case, after the speaking order is passed, the petitioner is found entitled for any benefit, the same will also be extended to him within a further period of four weeks.

Learned counsel for the petitioner submits that keeping in view the said statement of learned counsel for the respondents, the present petition may kindly be disposed of having been not pressed any further with liberty to the petitioner to raise the claim before the authorities concerned.

Ordered accordingly.

October 10, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No