

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-4931-2022
DECIDED ON: 21.11.2023

RAJINDER SINGH KAJAL AND ORS.
.....PETITIONERS

VERSUS

HARYANA POWER GENERATION CORPORATION LTD.
AND ORS.RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Virender Kumar, Advocate
for the petitioners.

Mr. Rohit Rattewal, Advocate for
Mr. Ashish Yadav, Advocate
for respondents No.1 to 4.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari seeking quashing of impugned letters dated 18.10.2021 and 06.01.2022 (Annexures P-6 and P-7), respectively, whereby the claim of the petitioners for grant of 3rd ACP scale has been withheld with further prayer for issuance of a writ in the nature of mandamus directing the respondents to grant 3rd ACP scale to the petitioner w.e.f. 04.03.2014 and 01.01.2016 respectively.
2. At the very outset, learned counsel for the petitioners submits that vide order dated 03.03.2023, the petition qua petitioners No.3 and 4 was dismissed as withdrawn.
3. Learned counsel for the petitioners submits that in the light of Annexure R-6 attached with the reply dated 24.01.2023, the benefit of 3rd ACP scale

was granted to the petitioners w.e.f. 01.08.2016 instead of 04.03.2014/01.01.2016, as has been prayed in the instant petition. It is contended by the petitioners that arrears even as per Annexure R-6 have not been released so far.

4. A perusal of para 6 of the written statement reveals that the benefit of 3rd ACP scale cannot be granted to the petitioners No.1, 2 and 5 w.e.f. 04.03.2014 and 01.01.2016, on account of the fact that they did not fulfil the requisite qualification for the post of Fire Operator to earn 3rd Promotion as per Rule 8 of ACP Rules. Thus, they have been rightly granted the benefit of 3rd ACP scale w.e.f. 01.08.2016, as is evident from office order dated 20.09.2022 (Annexure R-6).

5. In view of above, the present petition has been rendered infructuous as the substantial relief claimed by the petitioners No.1, 2 and 5 stands addressed. However, they will be at liberty to raise their claim qua the date from which they are actually entitled.

6. It is also directed to the respondents that arrears, if any have not been released to petitioners No.1, 2 and 5, as per Annexure R-6, the same shall be released to them forthwith within a period of two weeks from the date of receipt of the certified copy of this order along with interest @ 6% per annum.

7. In view of the aforesaid terms, the present petition stands disposed of.

(SANDEEP MOUDGIL)
JUDGE

21.11.2023

Sham

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>