

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

210

CWP-1002-2017 (O&M)

Decided on :19.12.2023

Satpal

. .Petitioner

Versus

State of Haryana and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Ankur Goyat, Advocate for
Mr. Ramesh Goyat, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present petition the grievance of the petitioner is that he has not been released the benefit of 2nd ACP which the petitioner was entitled for.
2. Learned counsel for the respondents submits that keeping in view the punishments which have been imposed upon the petitioner during his service period, details of which have already been given in the reply filed by the respondents, the petitioner never became eligible for the grant of benefit of 2nd ACP before his retirement as, the petitioner did not have enough regular satisfactory service to his credit so as to become eligible for promotion as well as the benefit of the grant of 2nd ACP.
3. Learned counsel for the petitioner submits that though it is a conceded fact that certain punishments were imposed upon the petitioner during his service career but upto the date of his retirement, the effect of those punishments had already exhausted, hence, the petitioner was entitled for the grant of 2nd ACP before his retirement though he might not be eligible for the same from the due date.

4. Learned counsel for the petitioner submits that the petitioner intends to approach the respondents by giving the details of punishments and the assertion that keeping in view the punishments imposed upon the petitioner, from a particular date before his retirement, the petitioner becomes eligible for the grant of 2nd ACP and the respondents may kindly be directed to consider and decide the claim of the petitioner in the light of those facts which will be brought to the notice of the department by the petitioner by way of filing a representation.

5. Learned counsel for the respondents submits that in case any representation is received from the petitioner, the same will be looked into and an appropriate speaking order will be passed keeping in view the facts and circumstances stated therein and in case, any benefit is found admissible qua the petitioner, the same will also be released to him within a period of 08 weeks from the receipt of any such representation, otherwise, the detailed reasons will be given for declining the claim of the petitioner.

6. Learned counsel for the petitioner submits that keeping in view the statement of learned State counsel, the present petition may kindly be disposed of having been not pressed, at this stage, with liberty to file an appropriate representation with the authorities concerned.

7. Ordered accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

19.12.2023

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No