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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-23574-2014 (O&M)

Date of Decision: 11.09.2023

DR. KULDEEP SINGH

.....Petitioner

V/s.

**STATE OF PUNJAB THROUGH ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH AND FAMILY WELFARE, PUNJAB
AND ANOTHER**

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA.

Present Mr. Kapil Kakkar, Advocate,
for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

SANJEEV PRAKASH SHARMA, J (Oral)

1. The petitioner by way of this Writ Petition has prayed for grant of benefit of Assured Career Progression Scheme ("ACP" for short) on completion of 4, 9 and 14 years of service in terms of the recommendations of the 4th Pay Commission by the Government of Punjab.

2. Learned counsel for the petitioner submits that the petitioner joined the Department as a Medical Officer on 14.07.1994 and therefore, in terms of the recommendations of the 4th Pay Commission, he was entitled to count his 4 years of regular service from 1994 and therefore, gets his first benefit counting from 01.01.1996 in terms of the Pay Commission from 2000, whereas the benefit has been extended to him w.e.f 01.01.2004.

3. Learned counsel for the petitioner submits that in terms of the notification dated 17.04.2000 issued by the Government of Punjab, the

petitioner would be entitled to the second ACP benefit on completion of 9 years of regular service and then 14 years of regular service accordingly. However, the respondents have not granted the same to the petitioner.

4. *Per contra*, learned State counsel has informed that several ACRs are not available and he also does not possess good service record. Learned State counsel submits that charge sheet was served upon him on 16.05.2005 and was punished in the said departmental enquiry on 23.11.2005 by stopping of 4 increments with cumulative effect.

5. Again vide order dated 02.03.2009 in another departmental proceedings, petitioner was punished for stoppage of 2 grade increments without cumulative effect. In another charge-sheet on 16.08.2016, the charges have been proved and the punishment is to be awarded. Another charge sheet was also issued to him on 22.08.2016 and 2 charges out of 3 have been held to be proved by the Enquiry Officer. An FIR was also registered against him on 20.06.2012 for being negligent in treatment resulting in death a patient. In the said circumstances, he would not be entitled to grant of ACPs on completion of 9 and 14 years of service.

6. Learned counsel for the petitioner has relied on the judgment passed by this Court in *CWP-24918-2015* decided on 05.07.2023 titled as **Dr. Renu Baveja Vs. State of Punjab and another** as well as judgment passed by this Court in *CWP-17112-2014* decided on 22.08.2023 titled as **Gursewak Singh Vs. State of Punjab and Others.**

7. I have considered the submissions of learned counsel for the parties and perused the notification dated 17.04.2000 issued by the

Government of Punjab on the basis of the recommendations of the 4th Pay Commission laying down the method and manner in which the ACP scheme shall be implemented. The scheme has to be implemented w.e.f. 01.01.1996 and the 4 tier pay scale shall be granted on completion of 4, 9 and 14 years of regular service. Thus, the petitioner's case for first ACP would be examined as on 01.01.2000, counting 4 years from 01.01.1996, if there is no punishment awarded during the said period. He would, therefore, be entitled for grant of first ACP after completion of 4 years of service w.e.f. 01.01.2000.

8. As far as the second ACP is concerned, it would fall on 01.01.2005 however, as on 01.01.2005, the petitioner was absent from duty and for the period for 2 years of being absent from duty, charge sheet was served upon him whereby 4 increments with cumulative effect were stopped. In view thereof, granting him benefit of ACP on completion of 9 years and subsequently 14 years does not arise upto the period when he would be free from punishments awarded to him. It is only thereafter the period has to be calculated. If the petitioner's record remains clean, thereafter, the respondents would be free to take appropriate decision with regard to the grant of ACP which would be shifted from the date the petitioner is free from the punishments of stopping grade increments. Of course, the period of 9 years and 14 years would remain relevant as it was earlier.

9. In view thereof, the Writ Petition is allowed to the aforesaid extent.

10. The exercise for revision of the pay of the petitioner shall be done within a period of three months.
11. Pending application(s), if any, stand(s) disposed of.

September 11, 2023
Ess Kay

[SANJEEV PRAKASH SHARMA]
JUDGE

<i>Whether speaking / reasoned</i>	:	<i>Yes/No.</i>
<i>Whether Reportable</i>	:	<i>Yes/No</i>