

2023:PHHC:155091
CWP-23790-2015 (O&M)
Date of Decision: 05.12.2023

Sarvesh Kumar Rajput and others

...Petitioners

Vs.

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. Dharam Vir Sharma, Sr. Advocate with
 Ms. Sunder Kumari, Advocate for the petitioner.

Mr. Vaishnav Gandhi, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioners by way of this writ petition have prayed for grant of benefit of ACP and also prayed for quashing of letter dated 02.01.2013 and 07.05.2013, rejecting their claim for not counting the service as Assistant Agriculture Engineer Grade-I and Grade-II and also to grant higher pay scale on completion of 14 years of service as granted to similarly placed employees namely Manmohan Kalia and Gursevak Singh.

2. The relevant facts which learned Sr. Counsel refers to are that the petitioners were earlier holding the post of Junior Agriculture Engineers. The post of Junior Agriculture Engineer was re-designated vide notification 02.03.1981 to the post of Assistant Agriculture Engineer Grade-II. The post of Assistant Agriculture Engineer Grade-II was further designated and placement was made of the post of Assistant Agriculture Engineer like the petitioners to the post of Assistant Agriculture Engineer Grade-I since the post of Assistant Agriculture Engineer Grade-I does not carry higher pay

scale, the designation/placement as Assistant Agriculture Engineer Grade-I

did not result in any financial benefit to the petitioners and they continued to draw the same pay scale. The State Government issued directions vide notification dated 17.04.2000 to grant ACP benefit to the employees, who have been working on the same post in the same pay scale for 14 years of service. Accordingly, the petitioners were entitled to receive the higher pay scale on completion of 14 years of service but the same was denied to petitioners vide order dated 28.01.2023 and 29.04.2013 and, therefore, the petitioners have challenged the said orders. Learned Sr. Counsel has invited the attention to the order passed in the case of **Manmohan Kalia vs. State of Punjab and another**, CWP-19284-2009, decided by this Court on 29.09.2010, wherein the respondents were directed to take a decision on the representation of the petitioners therein. Accordingly, Manmohan Kalia and Gursewak Singh who were also holding the post of Assistant Agriculture Engineer and had been placed from Grade-II to Grade-I in the same pay scale as the petitioners, were granted benefit of higher pay scale on completion of 14 years of service.

3. I have considered the submissions and find that the case of the petitioners is that the petitioners have claimed parity with the case of Manmohan Singh and Gursewak Singh. The respondents in their reply do not contest the said aspect and the only argument being raised is that the petitioners were placed as Agriculture Engineer Grade-I which carries higher responsibilities. It is an admitted position that the Assistant Agriculture Engineer Grade-II and Assistant Agriculture Engineer Grade-I are merely two designations which carry the same pay scale. The purpose of granting ACP is to give benefit on account of stagnation of a particular pay scale. The benefit has already been granted to similarly situated persons which the respondents did not deny.

4. In view thereof, similar benefit is required to be granted to the petitioners. The respondents are directed to conduct the exercise and grant the benefit of ACP to the petitioners on completion of 14 years of service. The arrears shall be calculated and released accordingly within three months henceforth. The writ petition is allowed accordingly.
5. No costs.
6. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

05.12.2023

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| 1. Whether speaking/reasoned? | : | Yes/No |
| 2. Whether reportable? | : | Yes/No |