

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

222

**CWP-25152-2018
Decided on : 28.11.2023**

Shiv Charan

. . . Petitioner

Versus

State of Haryana and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Kartar Singh Malik-I, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the grievance of the petitioner is that the petitioner is entitled for the grant of 3rd ACP as the same has not been granted despite the fact that the petitioner had rendered more than 10 years service in the feeder cadre of Manual Assistant.
2. Learned counsel for the petitioner argues that once the petitioner completes minimum period of 10 years of service in the feeder cadre under the ACP Rules, the petitioner is entitled for the grant of 3rd ACP, hence, the action of the respondents in not granting the said benefit is totally arbitrary and illegal.
3. Upon notice of motion, respondents had filed reply and the respondents submit that as per Rule 8 of Assured Career Progression Rules, 2008 which are in operation since 01.01.1996, only the employees who are eligible for promotion but could not get the same due to unavailability of promotional avenue, they are entitled for the grant of ACP whereas, in the present case, for promotion to the post of Inspector Legal Metrology, the qualification mentioned under the

Rules are not being fulfilled by the petitioner as the petitioner is only a matriculate, hence, the petitioner does not fulfill the required qualification for promotion, hence, question of stagnation does not arise so as to grant the benefit of ACP to the petitioner.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.
5. It is a matter of fact that for promotion to the post of Inspector Legal Metrology, an employee in the feeder cadre should not only have 7 years experience as Manual Assistant but should also be a graduate from a recognized University or should hold a diploma in engineering. The said qualifications are not being possessed by the petitioner. Once the petitioner is not eligible for promotion to the post of Inspector Legal Metrology, the petitioner cannot claim stagnation so as to claim the benefit of ACP. The claim of the petitioner for the grand of 3rd ACP as raised in the present petition is not covered by the rules under Assured Career Progression Rules, 2008 being ineligible for promotion.
6. No other arguments was raised.
7. Keeping in view the above, no ground is made out for grant of any benefit to the petitioner in the present petition.
8. Dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

28.11.2023

Mehak

Whether reasoned/speaking?	Yes/ No
Whether reportable?	Yes /No