

CWP-18076-2023

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-18076-2023

Date of Decision:10.10.2023

Rakesh K. Jaswal

... Petitioner

V/s.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Amit Sharma (Kanav), Advocate
for the petitioner.

DEEPAK MANCHANDA, J.(Oral)

The present petition has been filed for directing the respondents to pay interest @ 18% per annum on the delayed payment of arrears of pay accrued on the account of re-fixation of pay after granting benefit of assured career progression scheme after completion of 14 years of service from the date of its accrual till its actual realization.

The brief facts of the case are that respondent Markfed was set up in the year 1954 and in 1961 Punjab Cooperative Societies Act was enacted. Petitioner joined the service of the respondent No.3 in the year 1981 as Section Officer (Civil) and was promoted to the post of Assistant

CWP-18076-2023

-2-

Engineer (Civil). Respondent No.3 adopts Assured Career Progression Scheme for their employees on completion of 8, 16, 24 and 28 years of service in same pattern as of Government of Punjab. On 22.01.2007 respondent No.3 adopts Punjab Govt. introduced Assured Career Progression Scheme on completion of 4, 9 and 14 years of service. On being opted the said Scheme, the petitioner gets benefit of 4 years ACP scheme. Respondent No.3 grants benefit of 9 years ACP to the petitioner. Respondent No.3 does not grant 14 years ACP benefit to the petitioner for no reasons. Petitioner relieved from service after availing of 2 years of extension of service in the year 2017. Respondent No.3 grants benefit of 14 years ACP financial up gradation which fell due in the year 2014. Consequent, arrears of pay including differential amount of gratuity and leave encashment are also given, however, no interest on the delayed payment has been given. Aggrieved against the same, learned counsel for the petitioner also filed representation dated 27.04.2021 (Annexure P-5), but the same is still pending with the respondents. Therefore, the petitioner filed the present petition.

Notice of motion.

On the asking of the Court, Mr. Arun Gupta, AAG, Punjab, accepts notice on behalf of respondent Nos. 1 and 2. Mr. Avinit Avasthi, Advocate, who is present in the Court has put in appearance on behalf of respondent No. 3 by filling his power of attorney and raises no objection in deciding the representation dated 27.04.2021 (Annexure P-5) in a time bound manner by passing an appropriate speaking order.

I have heard learned counsel for the parties and have gone through the record of the case.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioner in the representation, respondents are directed to decide the representation dated 27.04.2021 (Annexure P-5), by passing a speaking order within a period of eight weeks from the date of receipt of certified copy of this order with a further direction that if there is no legal impediment, necessary disbursement of funds shall be made to him within a period of eight weeks thereafter.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

10.10.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No