

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No. 125

Civil Writ Petition No.19147 of 2023**Date of Decision: August 31, 2023**

Subhash Chander

..... PETITIONER(S)

VERSUS

State of Haryana & others

..... RESPONDENT(S)

...

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

...

PRESENT: - Mr. Anil Kumar Sharma, Advocate, for the petitioner.Mr. Sanjeev Kaushik, Additional Advocate General,
Haryana.

...

Tribhuvan Dahiya, J (Oral)

This petition has been filed seeking a writ in the nature of *certiorari* quashing the action of the respondents in not granting the benefit of difference of grade pay, i.e., ₹5400 instead of ₹4800 while giving the benefit of third Assured Career Progression (ACP) on completion of twenty four years' service to the petitioner in consonance with Haryana Civil Services (Assured Career Progression) Rules, 2008 (Annexure P-7) dated 30.12.2008.

2. Learned counsel for the petitioner contends that despite the petitioner's case having been recommended by the District Education Officer vide letter, dated 16.04.2019 (Annexure P-3), the due third ACP benefit has not been released by the respondents. Nor any reason in that

regard has been cited. A legal notice, dated 01.12.2022 (Annexure P-11),

given in that regard, remains pending with the respondents. It is also contended that similarly placed employees have already been granted the third ACP, as is apparent from the orders dated 05.08.2014 (Annexure P-5) and 06.08.2014 (Annexure P-6). At this stage, the petitioner will be satisfied in case his pending legal notice is ordered to be decided by respondent no.2 within a specified period.

4. Notice of motion.

5. Mr.Sanjeev Kaushik, Additional Advocate General, Haryana, accepts notice on behalf of the respondents and submits that legal notice, dated 01.12.2022, shall be decided by respondent No.2, expeditiously.

6. In view thereof, without going into the merits of the case, the instant petition is disposed of with a direction to respondent No.2-Director General, Department of Secondary Education, to consider and decide the legal notice, dated 01.12.2022, by passing a speaking order thereupon, within a period of six weeks from the date of receiving a certified copy of this order.

(Tribhuvan Dahiya)
Judge

August 31, 2023
Meenu

Whether Speaking/ Reasoned:	Yes/ No
Whether Reportable:	Yes/ No