

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(223) CWP-23947-2021
Date of Decision : August 02, 2023

Amandeep Kaur .. Petitioner

Versus

State of Haryana and others .. Respondents

(223-A) CWP-23885-2021

Bimla Rani .. Petitioner

Versus

State of Haryana and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R.K. Arora, Advocate, for the petitioner(s)
in both petitions.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. By this common order, two writ petitions, the details of which have been given in the heading, are being disposed of as both the petitions involve the same question of law and identical facts.

2. In the present petition, the challenge is to the order dated 06/08.10.2021 (Annexure P-10) by which, the benefit of Assured Carrier

Progression Scheme extended to the petitioner has been withdrawn.

3. Learned counsel for the petitioner(s) argues that in the present case, initially the petitioner(s) were working in the office of Women and Child Development, Haryana and thereafter, was sent on deputation to the State Information Commission wherein, ultimately the petitioner(s) were absorbed.

4. Learned counsel for the petitioner(s) submits that by counting the period of service which the petitioner(s) had rendered in the Department of Women and Child Development Haryana, the benefit of 2nd and 3rd ACP were extended to the petitioner(s), which benefit has now been withdrawn by the respondents which action of the Department is under challenge in the present petition.

5. Learned counsel for the petitioner(s) further submits that during the pendency of the petition, the respondents had sought legal opinion from the office of Advocate General as to whether, the claim of the petitioner(s) in the present petitions is covered by the judgment of the Division Bench of this Court in ***LPA No.1287 of 2009 titled as State of Haryana and others vs. Shankar Lal, decided on 20.11.2009*** as well as the decision given by the Coordinate Bench of this Court in ***CWP No.25052 of 2012 titled as Surinder Singh and others vs. State of Haryana and others, decided on 28.01.2016*** so as to count the previous service to adjudge the eligibility for the grant of 2nd and 3rd ACP and as per the legal advise received from the Office of Advocate General, Haryana, the claim of the petitioner(s) is covered by the said judgments.

6. Learned counsel for the respondents submits that in case the Department has taken a legal opinion which has already been rendered, the Department will pass appropriate order on the claim of the petitioner(s)

keeping in view the advise given within a period of eight weeks from the receipt of certified copy of this order and any benefit admissible to the petitioner(s) as per the speaking order, will be extended to the petitioner(s) within a further period of four weeks.

7. Let the Department pass appropriate orders as to whether, the impugned order needs to be withdrawn keeping in view the settled principle of law as well as the legal opinion given by the office of Advocate General, Haryana and in case, any benefit is to be extended to the petitioner(s), appropriate order be passed as per the undertaking given by the learned State counsel.

8. In case, the petitioner(s) are still aggrieved against any action of the respondent-Department, the petitioner(s) will be at liberty to avail the appropriate remedy for the redressal of their grievance. The other issues which the petitioner(s) are raising with regard to the grant of increment upon promotion, the same is also kept open to be decided by the respondents afresh while passing appropriate speaking order.

9. Both the petitions are disposed of in above terms.

August 02, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No