

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CWP-23280-2023 (O&M)
Date of Decision:-13.10.2023

Rishab Sharma

... Petitioner

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jatinder Pal Singh, Advocate, for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner, who is working as Junior Draftsman in Department of Irrigation now Department of Water Resources, seeks issuance of a writ in the nature of mandamus directing the respondents to grant him benefit of 'Assured Career Progression Scheme' on completion of 4 years in the cadre w.e.f. 01.01.2019. The petitioner also seeks grant of promotion to the post of Draftsman w.e.f. 10.01.2020.
2. Learned counsel for the petitioner submits that the petitioner sent a legal notice dated 12.5.2023 (Annexure P-2) to the Chief Engineer (Head Quarters) Department of Water Resources, Chandigarh, raising his claim in respect of the aforesaid benefits, but the same had been declined as has been informed to him in reply dated 7.8.2023 (Annexure P-3) to the legal notice served upon

the petitioner. Learned counsel submits that although the respondents are admitting all other averments made in the legal notice, but the relief has been declined simply on account that the petitioner happens to be involved in a criminal case.

3. This Court has considered the aforesaid submissions.
4. The relevant extract from the impugned reply dated 7.8.2023 (Annexure P-3) is reproduced hereunder:-

“43. That in reply to para No.43 of the notice, it is submitted that at present your client is not liable to be considered for granting him the claimed service benefits due to pendency of criminal proceedings against him and having under major punishment of stoppage of one increment with cumulative effect.”

5. A perusal of FIR No.7, dated 24.6.2017, Police Station vigilance Bureau Ferozepur Range, Ferozepur (Annexure P-4) would indicate that the petitioner is also named therein as an accused in the offences pertaining to Sections 409, 420, 467, 468, 471, 120-B IPC, 13(1) D R/w 13(2)88 P.C. Act.
6. Having regard to the nature of offences in the FIR registered against the petitioner, this Court does not find any infirmity in the impugned order and the same is upheld. The petition, as such, is dismissed. However, it shall be open to the petitioner to revive his claim, in case he is acquitted in the aforesaid FIR.

13.10.2023

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No