

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

117

CWP-25841 of 2023

Date of Decision:17.11.2023

Hitesh Sharma

....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: None for the petitioner.

SANDEEP MOUDGIL, J. (Oral)

1. Nobody has put in appearance on behalf of the petitioner however, this Court after having gone through the pleading made in the petition, can summarize the facts to the effect that the petitioner retired from the Air Force and was appointed in Haryana Power General Corporation Ltd. (hereinafter referred as HPGCL) vide appointment letter dated 23.05.2008 and after having completed eight years of service therein, he became eligible for benefit of 1st ACP in December 2021. It is also asserted on behalf of the petitioner that his complete service book so as to ascertain his 1st cadre specific ACP was sought by the office of 'HPGCL' vide letter dated 12.04.2022 (Annexure P-2).

2. It is also apparent from the facts that the petitioner was promoted as JE on 29.11.2013 and that his cadre specific 1st ACP became due with effect from December 2021 and thereafter the Accounts Branch of the said department has verified his particulars and accordingly his case was forwarded to the Superintendent Engineer (O&M) on 04.04.2022. The 'HPGCL' at this stage asked for the diploma certificate of the petitioner vide letter/memo dated

20.05.2022 (Annexure P-4) and the same was supplied on 02.07.2022 but despite the fact that once all the formalities have been completed at the end of the petitioner, the case for grant of 1st ACP is not being considered and he has retired after having attaining the age of superannuation and the petitioner is facing financial loss which is recurring cause of action on account of non-grant of 1st ACP and other due benefits accruing in pursuance thereof. It would require recollection of the pension as well.

3. Without adverting to the merits of the case, considering the prayer made in the instant writ petition as well as on behalf of the petitioner, a writ in the nature of *mandamus* be issued to the respondents for passing a speaking order on the legal notice which already has been served for adjudicating the claim of the petitioner, this Court directs respondent No.2 to look into the matter and examine the legal notice dated 21.09.2023 (Annexure P-6) and shall decide the same by passing a speaking order in accordance with law within a period of two months from the date of receipt of certified copy of this order. A copy of this order shall be furnished to the petitioner within next one week thereafter.

4. In the aforesaid terms, the present writ petition stands disposed of.

(SANDEEP MOUDGIL)
JUDGE

November 17, 2023

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Whether speaking : Yes/No

Whether reportable : Yes/No