

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

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CWP-24675-2023

Date of decision: 03.11.2023

BALKAR SINGH AND OTHERS**.....Petitioners****VERSUS****STATE OF PUNJAB AND OTHERS****.....Respondents****CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Ms. Kriteka Sheokand, Advocate
for the petitioners.

DEEPAK MANCHANDA J. (ORAL)

The instant petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus, directing the respondents to extend the benefit of Assured Career Progression ACP Scheme as formulated vide Policy Circular dated 03.11.2006 (Annexure P-4) along with interest @ 18 % per annum, which has not been initially implemented to the category of Junior Engineers Assistant Engineers working in the department of Water Resources Irrigation in illegal, arbitrary and unjustified manner and to release all consequential benefits etc. and decide the legal notice of the petitioner dated 22.09.2023 (Annexure P-12).

Learned counsel for the petitioners contends that the petitioners had been appointed on the post of Junior Engineer in the State of Punjab on 01.06.1973, 01.02.1973 & 01.01.1975 respectively and retired after attaining the age of superannuations on 31.05.2008, 31.07.2010 & 30.04.2008 respectively. He submits that when they retired, they were entitled to receive all the service-cum-retirement dues from the department, however, they were not given the benefit of

earlier ACP scheme. Learned counsel further submits that petitioners has served a legal notice dated 22.09.2023 (Annexure P-12) to the respondents, which has not been taken into consideration till date and the petitioners would be satisfied if necessary directions are given for deciding the legal notice in a time bound manner.

Notice of motion.

On asking of the Court, Mr. Arun Gupta, AAG, Punjab, who is present in the Court, accepts notice on behalf of the respondents No.1, 2 & 4 and submits that the respondent No.3 is the competent authority to take final decision and he does not object to the prayer made by learned counsel for the petitioners.

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 petitioners in the legal notice dated 22.09.2023 (Annexure P-12), respondent No.3 is directed to decide the legal notice, by passing a speaking order within a period of 8 weeks from the date of receipt of certified copy of this order with a further direction that if the petitioners are found to be entitled to the claim mentioned in the abovesaid legal notice, necessary disbursement of funds shall be made to them within a period of 8 weeks thereafter.

The petition stands disposed of.

November 03, 2023
Nisha-II

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No