



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

205

**CWP-11455-2004 (O&M)
Date of decision: 27.08.2024**

GURMAIL SINGH**....PETITIONER****Vs.****STATE OF PUNJAB****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. Arihant Goyal, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 22.01.2004 (Annexure P-2) whereby respondent has withdrawn benefit of Assured Career Progressions (for short 'ACP').

2. The undisputed facts emerging from the record are that the petitioner from 1992 to 1996 worked as Deputy Superintendent of Police. He w.e.f. 30.01.1995 was assigned duty of Superintendent of Police. He was given extra benefit of ₹200/- per month, however, he was never granted pay scale of Superintendent of Police. The State of Punjab implemented fourth Punjab Pay Commission recommendations and as per those recommendations, petitioner was entitled to ACP on completion of 4 years' service as Deputy Superintendent of Police. The respondent vide order dated 15.07.2003 released him benefit of ACP on account of completion of 4 years' service as Deputy Superintendent of Police in 1996, however, said benefit was withdrawn by impugned order dated 22.01.2004.

The juniors of the petitioner were granted benefit of ACP on completion of 4 years' service.

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3. Mr. Aman Dhir, DAG, Punjab submits that the petitioner was denied benefit of ACP because he was holding charge of Superintendent of Police and he was paid ₹200/- per month as Special Pay Allowance.

4. The petitioner was neither appointed as regular Superintendent of Police and nor ever he got pay scale or salary of Superintendent of Police. He concededly worked as DSP from 1992 to 1996 and was granted deemed promotion from 3.10.1988. The date of deemed promotion is not relevant because petitioner is not claiming benefit from the deemed date whereas he is claiming benefit on completion of 4 years' actual service. The petitioner actually worked from 1992 to 1996 as DSP and he, as per fourth Punjab Pay Commission, was granted benefit of ACP. He could not be denied benefit of ACP on the sole ground that he was getting ₹200/- per month as Special Pay Allowance and holding charge of Superintendent of Police because benefit of ACP was a substantial benefit and petitioner was not holding post of regular Superintendent of Police. Despite holding charge of Superintendent of Police, he was getting salary of Deputy Superintendent of Police.

5. In the wake of above facts and findings, the impugned order dated 22.01.2004 is hereby quashed and respondent is directed to release ACP to petitioner as per letter dated 15.07.2003. The arrears, if any, shall not carry interest. The needful shall be done within 3 months from today. He shall be entitled to consequential benefits.

6. In view of the above, the present petition stands disposed of.

7. Pending miscellaneous application(s), if any, shall also stand disposed of.

27.08.2024
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[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No