



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

564

CWP-14084-2004 (O&M)

Date of decision: 10.09.2024

Kashmir Singh Beniwal

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioner.

Mr. Tapan Kumar, DAG Haryana

AMAN CHAUDHARY, J. (ORAL)

1. The prayer made in the present petition is for directing the respondents to grant the benefit of 1st ACP to the petitioner, who had initially been appointed as Clerk in Municipal Committee, whereafter had been absorbed in the Development & Panchayat Department.

2. Evidently, the pay of the petitioner was protected, when they were absorbed, which was, in **State of Haryana and Another vs. Deepak Sood and Others**¹, held by Hon'ble the Supreme Court to include grant of ACP as well. The relevant para whereof reads thus:

“Therefore, in the series of judgments given by this Court the view has been taken that in case of a transfer/absorption from one department to another or from public sector to State though the benefit of the seniority may be denied to the incumbent but not for other benefits like pay fixation and for the pensionary benefits. Therefore, when the

¹ Civil Appeal No.4446 of 2008, decided on 15.07.2008.



benefit of past service rendered in the parent department was given for fixation of pay and pensionary benefits, there is no reason why the past service should not be counted for grant of ACP Grade. Consequently, we are of the view that the view taken by the Division Bench of the High Court in the impugned judgment and order is correct and there is no ground to interfere in this appeal. Consequently, this appeal is dismissed but with no order as to costs.”

- 3. Learned State counsel despite his best efforts has been unable to controvert the factual position and draw out any distinctive aspects in the aforementioned judgments or cite any contrary law.
- 4. In wake of the aforesaid, the present petition is disposed of in terms of the judgment passed in **Deepak Sood**(supra).

(AMAN CHAUDHARY)
JUDGE

10.09.2024
dinesh

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No