



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

499

CWP-633-2004 (O&M)

Date of decision: 04.09.2024

Gurcharan Singh

....Petitioner

Versus

State of Haryana and Others

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Abhinav, Advocate for the petitioner

Mr. Tapan Kumar, DAG Haryana

AMAN CHAUDHARY, J. (ORAL)

1. The prayer made in the present petition is for direction to respondent to grant the second ACP to the petitioner w.e.f. 01.10.2001 as it had been vide order dated 15.01.2002, however, wrongly withdrawn vide order dated 20.11.2003, Annexure P-9, even though as per the order dated 11.01.2000, Annexure P-1, as per which the period rendered in Municipal Committee prior to absorption in the Government Department was to be counted for pay protection and pension but not for seniority. The aspect of pay protection to include grant of ACP as well, relating to similar service staff stands decided in favour of the petitioner by Hon'ble the Supreme Court in **State of Haryana and Another vs. Deepak Sood and Others** in Civil Appeal No.4446 of 2008, decided on 15.07.2008, 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 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.”

2. 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.
3. In wake of the aforesaid, the present petition is disposed of in terms of the judgment passed in **Deepak Sood** (supra).

(AMAN CHAUDHARY)
JUDGE

04.09.2024
M.Kamra

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No