



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

867

CWP-3949-2009  
Date of decision: 27.09.2024

Ishwar Chand and another  
Versus  
State of Haryana and others

...Petitioners  
...Respondents

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present : Mr. J.P. Dhull, Advocate for the petitioners.  
Mr. Tapan Kumar, DAG, Haryana.  
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**AMAN CHAUDHARY, J. (Oral)**

1. Prayer made in the present petition is for grant of ACP to the petitioner at par with one Raj Kumar-respondent No.5, who was stated to be his junior.
2. Learned counsel for the petitioners pleads no instruction.
3. Learned State counsel makes a reference to the preliminary submission No.3 to which there was no replication filed, which reads thus:

“3. That as per record available in this office, it is submitted that the petitioner No. 1 was initially appointed as helper Painter in office of General Manager, Haryana Roadways, Kaithal on 09-06-1976. Thereafter he was promoted for the post of Asstt. Painter and further promoted from the post of asstt. painter to painter w.e.f. 15-03-1984 Similarly The petitioner No. 2 was appointed as Asstt. Painter in Haryana Roadways, Kaithal w.e.f. 08-11-1978 and he was promoted to the post of Painter w.e.f. 01-04-1982 where as Sh. Raj Kumar (Now Retired) Respondent No. 5 was appointed as Asstt. Painter in Haryana Roadways, Karnal w.e.f. 01-07-1971. Thereafter, he was promoted to the post of Painter w.e.f. 31-08-1987. However, it is further submitted that petitioner No. 1 was promoted from the post of Asstt. Painter w.e.f. 01-10-1980 and Asstt. Painter to the post of Painter w.e.f. 15-03-1984. In this way, two promotions were given to him from this office. Hence he is not entitled to first A.C.P and second A.C.P. scales simultaneously. The petitioner No.2 was appointed as Asstt. Painter w.e.f. 08-11-1978 and promoted to the post of painter w.e.f. 01-04-1982. It is stated that as per rules Sh. Sube Singh was given 2nd. Higher Standard Pay Scale in the scale of Rs. 5000-7850 after completion of 20 years regular satisfactory services. Sh. Raj Kumar respondent No. 5 was appointed as Asstt. Painter and thereafter promotion to the post of painter w.e.f. 31-08-1987. He was eligible for the 2nd. Higher Standard Pay Scale of Rs. 1400-2600 w.e.f. 01-01-



1994 after completion of 20 years regular satisfactory service. The length of service of respondent No. 5 is longer then to the petitioners No. 1 and 2, therefore, the pay of respondent No. 5 was fixed at a higher stage then to the petitioners of this petition, Moreover it is stated that services of the respondents were considered in view of the Govt. instructions dated 23-11-2006 which were fully applicable to him. But the petitioners are not entitled to fix their pay at par with respondent No. 5. Hence the present writ petition is liable to be dismissed on this sole ground.”

4. In view of the above, the present petition is disposed of, reserving the petitioners with a liberty to get it revived, in case need arises.

(AMAN CHAUDHARY)  
JUDGE

27.09.2024  
Hemant

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