



CWP-23444-2011(O&M)

- 1 -

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

1001

CWP-23444-2011 (O&M)

Date of decision: 14.10.2024

Raj Kumar

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. RK Bansal, Advocate for the petitioner.

Mr. Dushyant Saharan, AAG, Haryana.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing order dated 20.04.2011 vide which the petitioner has been granted 1st ACP scale w.e.f. 01.01.2006 instead of 01.02.2001.

2. The petitioner, who was promoted to the post of Octroi Clerk on 01.02.1991, was absorbed as Gram Sachiv in the Panchayat Department, after abolition of the former post and had filed CWP-567-2009 for grant of ACP grade on completion of 10 years, which was allowed on 11.09.2009, however, he was given the same from a later date, even though similarly situated employees of the Municipal Committees in the State were extended the benefit of past service rendered on their absorption in other Departments in terms of **State of Haryana and Another vs. Deepak Sood and Others**¹, relevant para whereof reads thus:

“Therefore, in the series of judgments given by this

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



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.”

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 judgment 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

14.10.2024
ashok

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