

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

1.CWP No.17986 of 2015
Date of Decision : 27.2.2024

Malti

..... *Petitioner*

versus

State of Haryana and others

..... *Respondents*

2. CWP No.17381 of 2018 (O & M)

2024:PHHC:027194

Rajwanti

..... *Petitioner*

versus

State of Haryana and others

..... *Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Jagtar Kureel, Advocate and
Mr. P.C. Yadav, Advocate, for the petitioners

Ms. Tanushree Gupta, DAG, Haryana

TRIBHUVAN DAHIYA J. (ORAL):

Since a common issue arises for adjudication in both these petitions, the same are being decided together. Facts are taken from CWP No.17986 of 2015, which has been filed, *inter alia*, seeking a writ of *certiorari* quashing the letter dated 24.7.2015, Annexure P-2, whereby benefit under the Assured Career Progression (ACP) Scheme has been withdrawn, and recovery of Rs.1,36,925/- has been ordered from the petitioner after re-fixation of pay.

2. Learned counsel for the petitioners contend that the only grievance is against recovery that has been ordered to be effected pursuant

to withdrawal of first financial upgradation granted on completion of ten years service.

3. Learned State counsel contends that financial upgradation was withdrawn as per provisions of the ACP Scheme, since the petitioners had foregone promotion. The issue stands decided by a Division Bench of this Court vide order dated 28.2.2018 passed in LPA No.322 of 2018, titled *Surinder Kumari and others v. State of Haryana and another*, upholding the withdrawn in the event of foregoing promotion. She, however, fairly concedes that in view of the judgment, recovery cannot be effected from the petitioner.

4. Learned counsel for the petitioners do not dispute the aforesaid legal position.

5. Accordingly, both the petitions are disposed of restraining the respondents from effecting recovery pursuant to the impugned orders dated 24.7.2015 and 26.4.2010, in terms of the law laid down by the Division Bench in *Surinder Kumari* case (*supra*).

6. Photocopy of this order be placed on the connected case file.

(TRIBHUVAN DAHIYA)
JUDGE

27.2.2024
Ashwani

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