



CWP-19246-2015 (O&M)

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

**CWP-19246-2015 (O&M)
Date of Decision: 21.05.2024**

Arihant Kumar Jain and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Shikhar Sarin, Advocate for the petitioners.

Mr. Gaurav Jindal, Addl. A.G., Haryana.

Mr. Rajesh Gaur, Advocate for respondent No.2.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to fix the pay of petitioners at the pay scale of Rs.10000-13900/- w.e.f. 01.01.1996 and pay scale of Rs.12000-16500 in accordance with respective dates of seniority of the petitioners and to grant 2nd and 3rd ACP in accordance with respective dates of their seniority and as per new scales granted to the Engineers w.e.f. 01.09.2009 and to release all arrears along with interest. Further issuance of a writ in the nature of *certiorari* for setting aside/quashing the impugned letter dated 19.06.2015 (Annexure P-11) wherein ACP scale has been denied to petitioner No.3, namely, Taranjit Singh.

2. Learned counsel for the petitioners submitted that the petitioners were entitled for grant of ACP in view of the instructions issued by the Government of Haryana vide Annexure P-9 dated 30.12.2008 and



other instructions issued from time to time and they were earlier also granted the benefit, but vide impugned letter dated 19.06.2015 (Annexure P-11) when the next ACP was to be granted then an order was passed which is absolutely cryptic and non-speaking order not bagged by any reasons and it states that only degree holder Sub Divisional Engineer is entitled for promotion as well as ACP scale whereas such provision does not exist in any Rules or in any of the Notifications.

3. On the other hand, Mr. Rajesh Gaur, learned counsel for respondent No.2 has referred to Rule 5, Sub Clause (3) of the Haryana Civil Services (Assured Career Progression) Rules, 1998 published vide Notification dated 07.01.1998 (Annexure P-8), to submit that by invoking the aforesaid Clause, the petitioners are not entitled for grant of ACP.

4. After the matter was being argued at length, both the learned counsels for the petitioners and respondent No.2 are *ad idem* that it will be in the interest of justice, in case, the impugned order is set aside with a direction to pass a fresh order in accordance with law because the impugned letter (Annexure P-11) is *ex facie* unreasoned order.

5. Consequently, the present petition is allowed. The impugned letter dated 19.06.2015 (Annexure P-11) is hereby set aside and quashed. Respondent No.2 is directed to pass a fresh and well reasoned speaking order in accordance with law after hearing the petitioners or their counsel within a period of four months from today.

21.05.2024

Bhumika

(JASGURPREET SINGH PURI)

JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |