

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

222

CWP-1919-2016 (O&M)

Date of decision: 09.04.2024

Dr. Davinder Pal Bansal

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Rajeshwar Singh, Advocate for the petitioner.

Mr. Amarpreet Singh Bains, AAG, Punjab

AMAN CHAUDHARY, J (Oral)

1. The prayer made in the present petition is for quashing the order dated 13.03.2012, Annexure P-7, granting the benefit of ACPs on completion of 4, 9 and 14 years' from incorrect dates and to grant the same from the actual date they became due.

2. Learned counsel would submit that the petitioner has been granted ACP on completion of 4 years actual service w.e.f. 01.01.2002 instead of 29.01.2001, on 9 years w.e.f. 01.01.2008 instead of 29.01.2006 and on 14 years w.e.f. 29.01.2012 instead of 29.01.2011 as was required to be granted in view of the Instructions dated 01.12.1988, 25.09.1998 and 03.11.2006, Annexures P-4 to P-6 respectively, whereas the Executive Instructions dated 17.04.2000 have been wrongly applied, which were set aside by this Court in case of **Dr. Rajesh Gupta vs. State of Punjab and others**, CWP-23932-2012, decided on 31.07.2018, against which, LPA-102-2021, filed by the State came to be dismissed in a batch of petitions on 24.01.2023. He relies on **Dev Dutt vs. Union of India**, (2008) 8 SCC 725, whereby it was held that an uncommunicated ACR cannot be taken into consideration. He thus, at this stage, on instructions, submits that the

petitioner would be satisfied that in case, a direction is given to the respondents to decide his claim in the light of the aforesaid judgments.

3. Learned State counsel has no objection to the limited prayer made.
4. In view of the above and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to respondents to decide the claim of the petitioner, taking note of the judgments referred to hereinabove, within a period of 3 months and if found entitled, necessary benefit be granted to him forthwith.

09.04.2024
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No