



CWP-21688-2017

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

(214)

CWP-21688-2017

Date of Decision : November 29, 2024

Sandeep Singh and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gopal Singh Nahel, Advocate, for the petitioners.

Mr. Arun Gupta, Deputy Advocate General, Punjab.

Ms. Kriti Avasthi, Advocate, for respondent No.4.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance being raised by the petitioners is that the petitioners while working with the Department of Rural Development and Panchayat became entitled for the grant of ACP, keeping in view the fact that they had already rendered minimum required service for the grant of the said ACP but the said benefit was not given before the services of the petitioners were transferred from the Department of Rural Development and Panchayat to the Education Department.

2. Learned counsel for the petitioners submits that the benefit admissible is not being paid by the Education Department on the ground that the liability to pay the same is of the Department of Rural Development

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and Panchayat as the petitioners were working with the said Department hence, either of the Department be directed to grant the benefit admissible to the petitioners.

3. Learned counsel for the respondents does not dispute the entitlement of the petitioners but submits that there is a dispute between the two Departments as to which of the Department is liable to pay the ACP to the petitioners for the period they have worked with the Department of Rural Development and Panchayat before being transferred to the Department of Education.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. As of now, the petitioners are working with the Education Department though, initially the petitioners joined the Department of Rural Development and Panchayat as a primary teacher. Once, the petitioners are working with the Department of Education, the Department of Education is directed to grant the petitioners the benefit of ACP admissible to the petitioners keeping in view their initial appointment with the Department of Rural Development and Panchayat as entitlement of the petitioner for the grant of ACP has not been disputed before this Court.

6. After the grant of the benefit of ACP, the Department of Education will be within its jurisdiction to claim reimbursement from the other Department but the petitioner cannot be allowed to suffer in case of a dispute between the two Departments of the same Government hence, the Department of Education is directed to consider the claim of the petitioners for the grant of ACP within a period of eight weeks of the receipt of copy of

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this order and the benefit be extended to them even if, the said benefit is for the period when they were working with the Department of Rural Development and Panchayat. The Department of Education can claim the reimbursement of the benefit extended to the petitioners in case admissible from the Department of Rural Development and Panchayat.

7. It may be noticed that the petitioners claim became due 13 years ago and the petitioners have been made to litigate for their genuine claim only due to the dispute between the two Departments of the same Government.

8. Hence, the arrears of ACP, which will be paid to the petitioners by the Department of Education will also carry interest @ 6% per annum from the date the amount became due till the actual release of the same and the interest so paid can also be claimed by the Department of Education from the Department of Rural Development and Panchayat.

9. The present writ petition is disposed of in above terms.

November 29, 2024*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No