

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

229

CWP-3340-2016 (O&M)
Date of decision: 10.04.2024

Amar Singh

....Petitioner

Versus

State of Punjab through Principal Secretary to Govt Pb
Dept of Home Affairs and Jail Pb and Ors

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Mukesh Arora, Advocate for the petitioner

Mr. Arun Gupta, DAG Punjab

AMAN CHAUDHARY. J. (ORAL)

1. The present petition has been filed for direction to the respondent to grant the presumptive pay as admissible to the petitioner on the lower post after sanctioning the benefits of ACP Scheme.
2. Learned counsel submits that the petitioner, who was promoted as Head Warder on 01.03.1992, was entitled for grant of ACP benefits on completion of 4, 9 and 14 years, which were admissible to him from March 01, 1996, while he was granted the benefit of 8 years service in the year 2000 under the old ACP Scheme. There was one departmental enquiry, wherein he was awarded punishment of stoppage of 3 annual increments with cumulative effect, which during the pendency of the present petition, was set aside by learned Civil Judge (Junior Division) vide judgment dated 04.07.2016 and the Department also passed an order dated 09.03.2017, treating the period of suspension from 2003 to 2004 as leave of kind due. As of now consideration of the aforesaid claim of the petitioner

as also regarding entitlement to the presumptive pay for the post of Head Warder as per Rule 4.5A of Punjab Civil Services Rules, Volume 1 has not come about. He thus, at this stage, on instructions, submits that the petitioner would be satisfied, in case, a direction is given to the respondents to decide the claims of the petitioner, in a time bound manner by granting him an opportunity of hearing.

3. Learned State counsel has no objection to the limited prayer made.
4. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to respondents to consider and decide the claims of the petitioner, keeping in view the aforesaid submissions as also the subsequent development, within a period of 6 months and if found entitled, necessary benefits be granted to the petitioner forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating him therewith.

(AMAN CHAUDHARY)
JUDGE

10.04.2024
M.Kamra

Whether speaking/reasoned

:

Yes / No

Whether reportable

:

Yes / No