

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

(255)

CWP-19774-2020

Date of decision: - 15.04.2024

Gaurav Mani and others**....Petitioners****Versus****State of Punjab and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Amrik Singh, Advocate
for the petitioners.

Ms. Neha Sonawane, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226/227 of the Constitution of India praying for issuance of a writ in the nature of certiorari quashing the memo dated 29.04.2010 (Annexure P-5) vide which the benefit of Assured Career Progression (ACP) Scheme as formulated vide Policy Circular dated 03.11.2006 (Annexure P-4) has been declined to the category of Junior Engineers/Assistant Engineers working in the department.

2. Learned counsel for the petitioners has submitted that the petitioners were appointed as Junior Engineers in the State of Punjab on different dates and were subsequently promoted and retired and reference in that regard has been made to Annexure P-1. It is further submitted that the Government of Punjab, Department of Personnel and Administrative

Reforms (Personnel Policies Branch) issued the instructions dated 25.09.1998 (Annexure P-2) to implement the recommendations of 4th Pay Commission with regard to the ACP Scheme w.e.f. 01.01.1996 and a perusal of the same shows that every employee of the State of Punjab has been granted some financial benefits after completion of 8 years, 6 years, 24 years and 32 years of service in lieu of their stagnation in promotional avenue. It is stated that thereafter, the Government of Punjab had issued instructions dated 27.06.2000 (Annexure P-3) for removal of anomalies and thereafter, vide notification dated 03.11.2006 (Annexure P-4) had notified a new Assured Career Progression Scheme on completion of 4, 9 and 14 years of service in a cadre and the said scheme was made applicable w.e.f. 01.11.2006 and the said new scheme was made optional. It is further stated that the petitioners had opted for the new scheme, but the said option was kept pending by the department authorities as the applicability of the ACP Scheme dated 03.11.2006 (Annexure P-4) to the Junior Engineer cadre was pending with the Government and has thus submitted that the option was to be sought after a final decision was taken in this regard. It is submitted that however, vide a cryptic and non-speaking order dated 29.04.2010 (Annexure P-5), the State of Punjab took a decision that the benefit of ACP could not be granted to the Junior Engineers and aggrieved against the said decision, some of the Junior Engineers, who were similarly placed as the present petitioners, had filed a petition bearing CWP-16446-2010 before this Court and a Co-ordinate Bench of this Court, vide judgment dated 20.05.2013 (Annexure P-6) allowed the said writ petition and set aside order dated 29.04.2010 and

held the petitioners therein entitled to the benefit of the instructions dated 03.11.2006 and has also ordered that the consequential benefits be released to the petitioners within a period of three months from the date of receipt of certified copy of order and in case, the petitioners, who had not opted for the applicability of the Scheme dated 03.11.2006, a period of one month be granted to them to exercise the said option. It is further submitted that against the said judgment, LPA-244-2014 was filed, which was dismissed, vide judgment dated 19.12.2014 (Annexure P-7) and even SLP i.e. SLP(C) No.26277 of 2015 has also been dismissed by the Hon'ble Supreme Court, vide order dated 04.09.2015. It is argued that this Court in the case of “Satbir Singh Vs. State of Haryana” in CWP-4382-2002, on 21.03.2002, had directed that the same benefits be given to all other identically situated persons. It is further argued that a petition bearing CWP-16446-2010, filed by the petitioners, who were similarly placed as the present petitioners, was allowed, vide judgment dated 20.05.2013 (Annexure P-6) and has prayed that with respect to the grievances raised in the present writ petition, the petitioners had given a legal notice dated 27.01.2020 (Annexure P-9) and at this stage, the petitioners would be satisfied, in case, competent authority of respondent No.1-State considers the same, in accordance with law, within a specified time frame and also takes into consideration the judgments of this Court in CWP-16446-2010 titled as “Jaswinder Singh Bedi and others Vs. State of Punjab and others”, decided on 20.05.2013 (Annexure P-6) and in LPA-244-2014 titled as “State of Punjab and others Vs. Jaswinder Sigh Bedi and others”, decided on 19.12.2014 (Annexure P-

7) and in case, the pleas raised by the petitioners are found to be meritorious, then, grant the appropriate relief to the petitioners.

3. Learned counsel appearing for the respondents-State has submitted that competent authority of respondent No.1-State would consider the said legal notice dated 27.01.2020 (Annexure P-9), filed by the petitioners, in accordance with law and the same would be done within a period of two months from the date of certified copy of this order and in case, the pleas of the petitioners are found to be meritorious, the necessary relief would be given to them immediately thereafter.

4. Keeping in view the above-said facts and circumstances, the present petition is disposed of, with a direction to competent authority of respondent No.1-State to consider the legal notice dated 27.01.2020 (Annexure P-9) filed by the petitioners within a period of two months from the date of receipt of the certified copy of this order and while considering the said legal notice, the competent authority of respondent No.1-State would also take into consideration the judgments of this Court in CWP-16446-2010 titled as “Jaswinder Singh Bedi and others Vs. State of Punjab and others”, decided on 20.05.2013 (Annexure P-6) and in LPA-244-2014 titled as “State of Punjab and others Vs. Jaswinder Sigh Bedi and others”, decided on 19.12.2014 (Annexure P-7). In case, competent authority of respondent No.1-State is of the view that the pleas raised by the petitioners are meritorious, then, the appropriate relief be granted to the petitioners, as expeditiously as possible and in case, competent authority of respondent No.1-State is of the view that the pleas raised by the petitioners are meritless, then, a

speaking order rejecting the claim be passed within the aforesaid period of two months.

5. It is made clear that this Court has not opined on the merits of the case and competent authority of respondent No.1-State would consider and decide the matter independently, in accordance with law.

April 15, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No