

CWP-789-2014 & CWP-1450-2016

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

110

CWP-789-2014
Date of Decision: 28.02.2024

Rama Kant Pandey and others ...Petitioners

Versus

Union of India and others ...Respondents

And

CWP-1450-2016

Sher Singh and others ...Petitioners

Versus

Union of India and others ...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Pawan K. Sharma, Advocate for the petitioners
(in both the petitions)
Mr. Sandeep Bhatia, Senior Panel Counsel,
for Union of India-respondents

JAGMOHAN BANSAL, J. (Oral)

1. As the issue involved is common, with the consent of both sides,
both the captioned petitions are disposed of by this common order. For the

sake of brevity and convenience, facts are borrowed from *CWP No.789 of 2014*.

2. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking direction to the respondents to grant benefit of 1st and 2nd ACP in accordance with law and as granted to similarly situated employees.

3. The petitioners are working with respondent-Indo Tibetan Border Police (for short 'ITBP') on different ranks. They joined as Constable (General Duty). They were promoted on different dates on the rank of Naik. As per different instructions of the respondent, an employee is entitled to 1st and 2nd ACP on completion of service of 12 and 24 years without promotion. Meaning thereby, if an employee does not get promotion within 12 years, he is entitled to 1st ACP and if does not get promotion within 24 years he is entitled to 2nd ACP.

4. Mr. Pawan Kumar Sharma, Advocate submits that respondent on 10.10.1997 decided to merge rank of Naik with Head Constable, accordingly, every Naik became Head Constable. The respondent considering this fact has granted 1st and 2nd ACP to different officials, however, petitioners have been deprived from this benefit.

5. Mr. Sandeep Bhatia, Advocate submits that petitioners have been extended their due benefit, nevertheless, the competent authority would reconsider case of all the petitioners and pass a speaking order considering the applicable rules, judgments and case(s) of similarly situated employees.

6. Learned counsel for the petitioners agrees with the aforesaid arrangement.

7. In the wake of statement of learned counsel for both sides, the present petition is disposed of with a direction to the respondents to adjudicate claim of the petitioners by passing a speaking order within three months from today.

(JAGMOHAN BANSAL)
JUDGE

28.02.2024
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>