2024:PHHC:082428

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CWP-22284-2021(O&M)
Date of decision: 06.05.2024

Sarwan Singh

....Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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Present : Ms. Kavita Arora, Advocate for the petitioner

Mr. Swapan Shorey, DAG Punjab

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AMAN CHAUDHARY. J. (ORAL)

1. The present petition has been filed for directing the respondents for refixation of the pay scale of the petitioner after granting him the higher pay scale.

2. Learned counsel submits that the claim of the petitioner is for refixation of pay after granting him higher pay scale on completion of 4, 9 and 14 years of service alongwith all consequential benefits, which has wrongly not been granted, on account of the No Report Certificate, which otherwise has to be treated as good in terms of **Sarabjot Kaur vs. State of Punjab and others,** CWP-9545-2010, decided on 01.09.2011, Annexure P-14, rendered by relying on para 16 of the Full Bench judgment of this Court in **Kamal Kumar Gupta vs. State of Haryana and Others,** 1991 (1) SCT 57, wherein it was categorically held that non-recording of ACRs cannot be the reason of disadvantage and grant him ACP, which has been denied on technical grounds, there being special reports

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of non-availability of ACRs, the work and conduct of the official being satisfactory and nothing adverse against him. She thus, at this stage, on instructions, submits that the petitioner would be satisfied, in case, the respondents are directed to decide his claim in a time bound manner, keeping in view the aforesaid judgments squarely covering his case, special reports being available and his work and conduct being upto the mark and by granting an opportunity of hearing to him.

3. Learned State counsel has no objection to the limited prayer made.

4. In view of the above and without commenting on the merits of the case, this petition is hereby disposed of with a direction to the respondents to consider and decide the claim of the petitioner, taking note of the afore-referred judgments, within a period of 4 months, which this Court has no reason to believe the authorities would not address in a just, fair and reasonable manner. Upon doing so, after notice and hearing offered to him and if found entitled, grant the benefit forthwith. Needless to say, if the orders are adverse to his interest, the same shall contain reasons and the petitioner shall be free to seek legal redress thereupon.

(AMAN CHAUDHARY)
JUDGE

06.05.2024
M.Kamra

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No

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