

(102)

**CM-2776-CWP-2024 in/and
CWP-463-2017
Date of Decision : March 04, 2024**

.. Petitioner

Versus

.. Respondents

Present: Mr. Sunil Kumar Bhardwaj, Advocate, for the petitioner.

Mr. Harish Nain, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-2776-CWP-2024

Present application has been filed for recalling the order dated 15.01.2024, by which, the present writ petition was dismissed for non-prosecution.

Notice of the application to the counsel opposite.

Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondents. He raises no objection for the grant of prayer as raised in the present application.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the same is allowed. The order dated 15.01.2024 is recalled and the writ petition is restored to its original number and status.

CWP-463-2017

1. In the present writ petition, the grievance of the petitioner is that though the petitioner has retired in the year 2011 but subsequent to his retirement, a policy was framed by the Government of Haryana on 04.03.2014 (Annexure P-3) according to which, the petitioner is entitled for the grant of benefit with regard to ACP scale on completion of 8, 16 and 24 years of service, which benefit has not been extended to the petitioner.

2. Upon notice of motion, the respondents have stated that the notification dated 04.03.2014 (Annexure P-3) is only prospective in nature and not retrospective and once, the petitioner has already retired from service, the said scheme which had come into operation after the retirement, cannot be made applicable upon the petitioner so as to grant service benefits.

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

4. It is a settled principle of law that any benefit which has been given by the State unless specifically stated to be retrospective, has to be operative prospectively. Further, the schemes/policies which are formulated by the State are applicable upon the employees who are working at the time of the promulgation of the said scheme unless and until, specifically meant to be applicable to the retirees. The scheme dated 04.03.2014 (Annexure P-3) by which, the benefit of ACP scales on completion of 8, 16 and 24 years were formulated, cannot be made applicable upon the petitioner as the petitioner had already retired by the said date and there was no master and servant relationship between the parties concerned at the time when the policy dated 04.03.2014 (Annexure P-3) become operative.

5. Nothing has been brought to the notice of this Court as to under what circumstances the scheme, which is prospective, can be made applicable upon the petitioner who was not in service on the date of promulgation of the said scheme.
6. Keeping in view the above, no ground is made out for any interference by this Court in the present writ petition.
7. Dismissed.

March 04, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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