

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.6727-2017 (O&M)
Date of decision:20.03.2024

Vinod Kumar

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM:HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sanjiv Gupta, Advocate for the petitioner.

Mr. Gaurav Jindal, Addl. A.G. Haryana.

Mr. R.S. Kundu, Advocate for respondents No.2 and 3.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *Mandamus* directing the respondents for granting 1st, 2nd and 3rd ACP to the petitioner with arrears

2. Learned counsel for the petitioner submitted that the petitioner was working as Brace-man-cum-Caliper Maker in the office of respondent No.3/Red Cross Society, District Jind (hereinafter to be referred to as 'Society') and while he was in service he has not been conferred the benefit of 1st, 2nd and 3rd ACP regarding which he has filed the present petition.

3. On the other hand learned counsel for respondents-Society while referring to the written statement submitted that the prayer of the petitioner is totally misconceived in view of the fact that till date, no ACP has been given to any of the employees of respondent No.3-Society and there are no rules at all regarding the payment of ACP to the employees of the said Rehabilitation

project. While referring to Annexures P-6 and P-7, he submitted that so far as some provisions of HCP (ACP Rules) 2008 are concerned, the same rules are not applicable to the respondent-society and in the absence of any provision for grant of ACP, the petitioner has no right to claim any ACP. Further elaborating his arguments on the basis of the reply, he submitted that the respondents-Red Cross Society is working on 'no profit' basis and rather aid is given by the State Government for sustenance and submitted that in the absence of any provision of law for grant of ACP, no such ACP can be granted. He further submitted that another plea taken by learned counsel for the petitioner that some of the employees of some other District Red Cross Societies have been given the benefit and submitted that the mere fact that if some other District Red Cross Societies which have got no connection with the respondent No.3-society have granted benefit without the authority of law then the mistake which has been so committed cannot be permitted to be perpetuated and reference in this regard has also been made in para 7 of the reply

4. I have heard learned counsel for the parties.

5 The plea of the learned counsel for the petitioner that he should be granted the benefit of ACP since he was working in the office of respondent No.3-society whereas it was the case of respondent No.3 that it is a private organization although funded by the State Government to some limited extent and there is no provision of law by which the ACP can be granted. This court is of the view that in the absence of any provision for grant of ACP, no such relief can be granted to the petitioner. The mere fact that if some other District Red Cross Societies which are not related to the respondent No.3-society have granted the benefit of ACP to their employees cannot become a ground for entitlement of ACP on the aforesaid plea only. When it has been shown that the respondent

No.3 does not have any rules for the purpose of grant of ACP nor respondent No.3 has adopted the aforesaid HCP (ACP Rules) 2008 of State of Haryana, no relief can be granted to the petitioner. As such the present petition is devoid of any merit and the same is hereby dismissed.

20.03.2024
shweta

(JASGURPREET SINGH PURI)
JUDGE

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