



CWP-6609-2018 & connected cases 1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(220) CWP-6609-2018
Date of Decision : November 28, 2024

Devi Lal .. Petitioner

Versus

State of Punjab and others .. Respondents

(220-2) CWP-6610-2018

Narinder Kumar .. Petitioner

Versus

State of Punjab and others .. Respondents

(222) CWP-11181-2018

Jai Lal .. Petitioner

Versus

State of Punjab and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Pawan Kumar Goklaney, Advocate, for the petitioner(s)
in all petitions.

Mr. Charan Preet Singh, Assistant Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. By this common order, three writ petitions, the details of which have been given in the heading, are being disposed of as all these petitions involve the same question of law on similar facts.

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2. For the sake of convenience, facts are being taken from CWP No.6609 of 2018.

3. In the present writ petition, the grievance of the petitioner is that he was working as Patwari and was appointed on 16.02.1982 and further while working on the said post of Patwari, the petitioner was granted the benefit of ACP after rendering 4 years and 9 years of service and thereafter, he was promoted to the post of Kanungo in the year 1996. In the year 1997, the petitioner sought reversion from the post of Kanungo to the post of Patwari which was accepted and the petitioner was reverted to the said post on 13.05.1997. Thereafter, the respondents withdrew one increment which was granted to the petitioner on promotion to the post of Kanungo as well as ACP in the cadre of Patwari on the ground that the petitioner has sought reversion and cannot be treated as stagnating in the cadre of Patwari.

4. Learned counsel for the petitioner(s) submits that from the date the petitioner sought reversion to the post of Patwari i.e. 13.05.1997, the said date be taken as his appointment in the cadre of Patwari and the benefit of 4 years and 9 years of service for the grant of ACP be taken from the date of reversion and the respondents be directed to decide the said claim.

5. Learned counsel for the respondents, on the other hand, submits that once the petitioner has sought reversion from the post of Kanungo to that of Patwari, his entitlement to claim the benefit of ACP by treating him as stagnating is not permissible and therefore, the benefit withdrawn from the petitioner is perfectly valid and legal.

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

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7. From the facts which have come on record, the petitioner sought reversion from the post of Kanungo to that of Patwari, which was allowed by the Department on the request of the petitioner and the petitioner was reverted on 13.05.1997 to the post of Patwari. From the said date, the petitioner is to be treated as fresh appointee in the cadre of Patwari and in case, he does not get promotion for a period of 4, 9 and 14 years starting from 13.05.1997, the petitioner is entitled for consideration of his claim for the grant of ACP in the cadre of Patwari. In case, the said benefit has not been given, the respondents are under an obligation to grant the said benefit.

8. The respondents were within their jurisdiction to withdraw the earlier ACP granted in the cadre of Patwari on account of foregoing promotion by the petitioner to the post of Kanungo but after the reversion on 13.05.1997, the service rendered thereafter is to be treated afresh from the date of reversion and therefore, the respondents are directed to consider the claim of the petitioners for the grant of ACP on completion of 4 years, 9 years and 14 years from the date the petitioner was reverted i.e. 13.05.1997 onwards and pass fresh speaking order qua the entitlement of the petitioners for the grant of ACP on completion of 4 years, 9 years and 14 years in the cadre of Patwari starting from 13.05.1997 onwards keeping in view the service record of the petitioner.

9. The present writ petitions are disposed of in above terms.

10. A photocopy of this order be placed on the file of other connected cases.

November 28, 2024*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No