

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

109

CM-3790-CWP-2024 in/and
CWP-23640-2022

Date of decision: 06.03.2024

Baldev Singh

....Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Nitesh Singla, Advocate for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

AMAN CHAUDHARY. J.

CM-3790-CWP-2024

Prayer in the present application is to implead Department of Personal through its Secretary as respondent No.4.

Notice in the application.

Mr. Swapan Shorey, DAG, Punjab accepts notice on behalf of the respondent-State and has no objection to the prayer made.

For the reasons mentioned in the application, the same is allowed and Department of Personal through its Secretary is impleaded as respondent No.4 and the main case is preponed and taken up on Board today itself.

Main Case

1. The prayer in the present Civil Writ Petition under Articles 226/227 of the Constitution of India, is to issue a writ in the nature of certiorari, for setting aside the speaking order dated 01.08.2022, Annexure P-9.

2. Learned counsel contends that the petitioner is seeking grant of ACP

benefits by counting the service w.e.f. 01.01.1986, the date on which the selection grade was given to him, based on the letter dated 01.12.1988, a clarification dated 01.09.1989 as also the recommendation by Deputy Director dated 11.02.2021, which have all not been taken into consideration by the respondents while passing the order dated 01.08.2022.

3. Learned State counsel is unable to controvert the aforesaid facts, and submits that the respondents would not be averse to have a relook at the matter.

4. In view of the aforesaid, the present writ petition is allowed and order dated 01.08.2022, Annexure P-9 is set aside. The respondents are directed to pass an order afresh, taking note of the pleas raised by the petitioner, as noticed above, within a period of four months and if found entitled, necessary benefit be granted to him forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating him therewith.

(AMAN CHAUDHARY)
JUDGE

06.03.2024
Hemant

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