

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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LPA-1337-2023 (O&M)
Decided on 16.01.2024

State of Haryana and Others

... Appellants

Versus

Surinder Singh

... Respondent

**CORAM: HON’BLE MS.JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON’BLE MR.JUSTICE AMAN CHAUDHARY**

Present: Mr. Deepak Balyan, Additional AG, Haryana

AMAN CHAUDHARY, J.

CM-3421 & 3423-LPA-2023

For the reasons stated in the applications, delay of 226 days in
refiling and 25 days in filing the appeal is hereby condoned, subject to all just
exceptions.

Applications stand allowed, accordingly.

Main Appeal

1. The challenge in the present appeal, under Clause X of the Letters
Patent is against the judgment dated 29.11.2022, vide which the civil writ petition
preferred by the respondent was allowed.
2. Learned Single Judge has while allowing the writ petition directing
petitioner-respondent, the benefit of first ACP on completion of 10 years and
second on 20 years, rightly taken into consideration the fact that no reasons had
been disclosed while rejecting the claim vide communication dated 19.03.2012,
which in the written statement prepared with expert legal advice were tried to be
incorporated. In this regard, reference can be made to the judgement of Hon’ble
the Supreme Court in the case of **Mohinder Singh Gill vs. Chief Election**

Commr., (1978) 1 SCC 405, wherein it was held that the reasons of order impugned cannot be supplanted by way of filing affidavit or counter to the petition.

3. The factum of it being not discernible from even the written statement that before passing the impugned order rejecting the claim for grant of ACP from due date the record of the petitioner-respondent, that the same had been considered, the learned Single Judge allowed the petition primarily on the ground of a valuable right been taken away, without due application of mind. The submission raised of the respondent having retired on 30.09.2013 and thus not entitled to the second ACP, is also not tenable, since it was to be granted keeping in view the 20 years’ service, which stood completed in 2009, therefore entitling him to the same. It is also not the case of the appellant-Department that he had not earned more than 70% good ACR, a prerequisite for entitlement.

4. In view of the above, we find no illegality or perversity in the impugned judgment, which warrants any interference. Thus, the present appeal being devoid of merit, is hereby dismissed. The appellant is directed to release the benefit to the respondent within six weeks and to inform this Court.

5. Pending applications, if any, shall be rendered as disposed of.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

16.01.2024
ashok/gsv

Whether speaking / reasoned: YES / NO
Whether Reportable: YES / NO