



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**LPA-1111-2025 (O&M)
Date of Decision: 01.05.2025**

Baldev Singh Bhulana

.... Appellant

Vs.

State of Punjab and others

.... Respondents

**CORAM: HON'BLE MR JUSTICE SUDHIR SINGH
HON'BLE MR JUSTICE ALOK JAIN**

Present: - Mr. Ankush Sharma, Advocate
for the appellant.

SUDHIR SINGH, J.

CM-2738-LPA-2025

For the reasons given in the application, the same is allowed and the delay of 90 days in re-filing the appeal is condoned.

LPA-1111-2025

The challenge in the instant intra Court appeal is to the order dated 11.12.2024 passed by the learned Single Judge, whereby the writ petition filed by the appellant was dismissed.

2. Before the learned Single Judge, the appellant had sought issuance of writ in the nature of Certiorari quashing the orders dated 22.07.2013 & 11.09.2013 and 12.11.2014 (Annexures P-7, P-12 and P-14 respectively in the writ petition) passed by the respondents-authorities.

3. The facts of the case are that the appellant was appointed as Agricultural Inspector on 17.06.1970. He was promoted to the post of Assistant Agricultural Engineer (Implement/Biogas) in 1982 and subsequently, as Agricultural Engineer on 20.07.1994. He superannuated

from the respondent-department on 03.01.2003. It is the case of the appellant that he had moved representation(s) before the respondent-authorities for grant of benefit of Assured Career Progression Scheme (ACP), but the same was denied to him on legally untenable grounds.

4. The aforesaid claim of the appellant had been contested by the respondent-authorities by filing written statement taking a plea therein that the appellant joined as Assistant Agricultural Engineer on regular basis on 06.01.1982 and he completed 9 years of service as such on 05.01.1991. It was further pointed out that he was to be given benefit of ACP on completion of 4, 9, 14 years with effect from 01.01.1996, but he was promoted as Agricultural Engineer (Biogas) on 20.07.1994. Further, he was to be granted a pay scale of Rs.10,025/-Rs.15,100/- with effect from 01.01.1999, but he had already been drawing a higher pay scale before 01.01.1996. It was further pointed out that he had completed the service of 9 years as Agricultural Engineer on 19.07.2003, but before that he took voluntary retirement on 03.01.2023.

5. The learned Single Judge after taking into consideration the rival contentions, dismissed the writ petition, as noticed above.

6. Learned counsel appearing for the appellant has vehemently argued that while passing the impugned order the learned Single Judge has failed to take into consideration that the similarly placed employees had been granted the benefits of ACP, whereas the same was denied to the appellant. It is further argued that even one Prabhdyal Singh Thind, who was junior to the appellant, had been granted the benefit of ACP by taking into consideration the service rendered by him. It is, thus, argued that the impugned order passed by the learned Single Judge is liable to be set aside.

7. We have heard learned counsel for the appellant and have also gone through the impugned order passed by the learned Single Judge.

8. The very purpose of grant of ACP is to tide over the situation where an employee is not promoted to the next higher post for want of promotional post(s). In the instant case, it could not be controverted by the learned counsel for the appellant that before the appellant was to be granted benefit of ACP with effect from 01.01.1996, he was already promoted to the post of Agricultural Engineer (Biogas) on 20.07.1994. Still further, when he was to be granted the next benefit of the ACP with effect from 01.01.1999, he had already been drawing a higher pay. He took voluntary retirement on 03.01.2003 and, thus, he was not entitled to the grant of benefit of said ACP with effect from 19.07.2003.

9. We find that while passing the impugned order, the learned Single Judge has taken into consideration the said aspects of the matter and we find no reason to interfere in the present appeal.

10. Accordingly, the present appeal is dismissed.

11. Pending application, if any, shall also stand disposed of.

(SUDHIR SINGH)
JUDGE

(ALOK JAIN)
JUDGE

01.05.2025
poonam

Whether speaking/reasoned?
Whether reportable?

Yes/no
Yes/no