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

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Date of decision: 27.01.2025

MAKHAN SINGH

....PETITIONER

Vs.

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. J.S. Mohri, Advocate  
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

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**JAGMOHAN BANSAL, J (ORAL)**

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to grant benefit of 'Assured Career Progression Scheme' (for short 'ACP') on completion of 16 years service as 'Constable'.
2. The petitioner joined Punjab Police as Constable on 09.09.1981. As per Punjab Government Scheme, he was entitled to ACP on completion of 16 years service which he completed on 08.09.1997. He was not extended benefit of ACP on the ground that he had foregone his promotion in 1994 and as per policy, if an employee gets promotion within 16 years of service, he is not entitled to ACP. The promotion and ACP are mutually exclusive.
3. Mr. J.S. Mohri, Advocate submits that petitioner was neither extended benefit of promotion in 1994 nor ACP in 1997, despite completing 16 years of service. The respondent could not deny both benefits.

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4. Notice of motion.

5. Mr. Aman Dhir, DAG, Punjab who on advance notice is present in Court, accepts notice on behalf of respondent-State and waives service.

6. With the consent of both sides, the matter is taken up for final disposal.

7. Mr. Aman Dhir, DAG, Punjab submits that petitioner was promoted to the rank of Head Constable on 07.03.1994. He was part of Armed Police Cadre and working with Intelligence Wing on deputation since 31.07.1991. He was supposed to come back to his parent department but he opted to remain with Intelligence Wing and waived his promotion. ACP is mutually exclusive to promotion. As petitioner was promoted in 1994, thus, he was not entitled to ACP.

8. I have heard the arguments of both sides and with the able assistance of learned counsel perused the record.

9. The petitioner was part of Armed Police Cadre. He was sent on deputation to Intelligence Wing in July' 1991. He was promoted by his Parent Department in 1994 but refused to come back to his Parent Department to join as Head Constable. He, as per his wisdom decided to hold rank of Constable with Intelligence Wing. He came to be promoted as Head Constable in the Intelligence Wing in 1998 which shows that he intentionally waived his promotion in 1994 and accepted promotion in Intelligence Wing in 1998. It is factually incorrect that he was neither promoted in 16 years nor granted benefit of ACP. He was actually promoted in 1994 but he waived his promotion which deprived him benefit of promotion for next 2 years as well as ACP.



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10. There is another facet of the matter. The petitioner, as claimed by him, was entitled to ACP in 1997. He retired on attaining the age of superannuation on 31.10.2016. He remained silent during his service as well as for 7 years after his retirement. He started raising his claim in 2023. His act and conduct amounts to acquiescence of denial of ACP. He at this belated stage wants to rekindle his dead claim.

11. In the wake of above discussion and findings, this Court is of the considered opinion that the present petition being bereft of merit deserves to be dismissed and accordingly dismissed.

27.01.2025  
manoj

[JAGMOHAN BANSAL]  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |