



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

234

CWP-9878-2020 (O&M)
Date of decision: 12.08.2025

Hans Raj

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

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

Mr. Vikas Arora, DAG, Punjab.

None for respondent No.4.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for setting-aside the speaking order dated 24.06.2020 (Annexure P-5), vide which respondent No.4/Commissioner, Municipal Corporation, Patiala, denied payment of interest on delayed payments of arrears of 09 years of ACP and pensionary benefits to the petitioner. Further prayer has been made to direct the respondent/Department for payment of interest @ 18% per annum on the delayed payments of arrears of 09 years ACP and pensionary benefits to the petitioner.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner joined the respondent/department as Sectional Officer in the year 1978 on regular basis and superannuated from the office of



respondent No.4 on 29.02.2012. Admittedly, the petitioner was promoted to the post of Assistant Corporation Engineer w.e.f. 22.09.1998 as is evident from the order dated 14.07.2008 (Annexure P-1). The work and conduct of the petitioner throughout his service remained satisfactory. The petitioner was entitled to the Assured Career Progression scheme (ACP) on completion of 09 years of service in a particular cadre, in terms of the Circular dated 03.11.2006 (Annexure P-2). The entitlement of an employee to the ACP scheme is on account of his continuous service and non-availability of the vacancy for promotion. He further submits that a perusal of document (Annexure P-3) would clearly indicate that the petitioner was entitled for the benefit of ACP scheme and he became eligible on completion of 09 years of service on 21.09.2007 but the case of the petitioner was kept pending by respondent/department without any justifiable reason which compelled the petitioner to approach this Court by way of filing a petition i.e. CWP No.20366 of 2016. During the pendency of the said petition, the claim of the petitioner towards ACP scheme was approved and the arrears, as per the entitlement of the petitioner, were released, however, the interest on the delayed payment on the benefits, has not been paid by the respondent/department and this Court on 09.05.2019, directed the respondent/department to decide the representation of the petitioner in this regard by passing a speaking order in terms of the Full Bench judgment of this Court in ***A.J. Randhawa vs State of Punjab, 1997 (3) SCT 468***. Learned counsel for the petitioner further submits that vide



impugned order, the claim of the petitioner, towards interest on delayed payment, has been rejected by relying upon the Punjab Government Instruction issued on 10.05.1990.

3. In spite of issuance of notice of motion, there is no representation on behalf of respondent No.4, however, a perusal of the reply filed by respondent No.4 indicates that the claim of the petitioner has been declined on the basis of Punjab Government Instruction No.1/15/89-IFPIII/42225-27 dated 10.05.1990, which deals with payment of interest. The operative part of the said Instructions, reads as follows:-

“Not to apply to the payment of arrears of gratuity which may become due as a result of enhancements after retirement or liberalization of pension rules from a date prior to date of retirement of Government employee.”

3.1. Reliance has been placed on the fact that the petitioner submitted a representation for step-up only on 11.10.2012. The case of the petitioner thereafter was assessed and sent for approval on 23.07.2013 and finally, the step-up was approved on 09.03.2017. The arrears of 09 years step-up amounting to Rs.1,47,324/- were paid to the petitioner on 04.12.2017.

4. Having heard learned counsel for the petitioner and after perusal of the record it transpires that in spite of specific direction issued by this Court, the claim of the petitioner towards interest on delayed payment in terms of ***A.J. Randhawa’s case (supra)*** has not been considered.



5. The Punjab Government Instructions dated 10.05.1990, relied upon by respondent No.4, are not applicable to the case of the petitioner, as they pertain specifically to the payment of arrears of gratuity arising out of enhancements after retirement or due to liberalization of pension rules from a date prior to the retirement of a government employee. In contrast, the petitioner's claim pertains to the entitlement of the Assured Career Progression (ACP) grade after completion of 09 years of service, which is a service benefit accrued during the course of employment, and not an enhancement post-retirement. Furthermore, the averments made in para No.4 of the reply filed by respondent No.4, specifically the submission of the representation on 11.10.2012, assessment of the claim on 23.07.2013, and final approval on 09.03.2017, cannot be considered as valid grounds to deny interest to the petitioner on delayed payment of his retiral dues under the ACP scheme. Reliance in this regard can be placed upon the judgment rendered by this Court in in **CWP-3403-2015**, titled as ***Vinod Kumar vs Dakshin Haryana Bijli Vitran Nigam, Hisar and others***, decided on 02.08.2016, which was duly affirmed by the Division Bench of this Court in **LPA No.205 of 2017**, titled as ***Dakshin Haryana Bijli Vitran Nigam Ltd. and others vs Vinod Kumar and others***, decided on **09.08.2017**. The operative part of the order passed in CWP-3403-2015, reads as follows:-

The only reason assigned to deny the petitioner promotion is that he did not submit his representation for promotion by the cut off date i.e. July 31, 2011. This is a



specious plea based on an improper premise that one must ask for promotion like a beggar otherwise he will be denied consideration. Since all the material facts relating to the petitioner are in his service book and available in custody of the promoting authority it remains under bounden duty to place his name in the DPC for its consideration to make recommendations. In any case, in the matter of seniority and promotions there can be no discrimination in passing by names without valid reason. The right to seniority is a shared right with others. In the impugned order it is not disputed that respondents No.5 & 6 are junior to the petitioner. It is no argument or defence that the petitioner's name was added in the revised ranking list of 2011 after he made a representation in the matter. The petitioner has been wrongly ignored for promotion when his juniors were considered and promoted.

6. The principles laid down in ***Vinod Kumar's case (supra)***, affirmed by the Division Bench in **LPA No.205 of 2017** are directly applicable to the case of the petitioner. The procedural technicalities, such as delays in submission of representation, cannot be used to deny rightful promotions or benefits when all relevant facts are available with the competent authority. It is the duty of the promoting authority to consider the employee's case based on service records and seniority without discrimination or unreasonable delay.

7. In view of the foregoing discussions, the present petition is allowed. Respondent No.4 is directed to pay interest on the delayed arrears of ACP and pensionary benefits to the petitioner, @ 6% from the date of his entitlement as claimed. Further, respondent No.4 shall bear



the costs of Rs.25,000/-, payable to the petitioner, in recognition of the unnecessary delay and litigation caused. Respondent No.4 shall comply with this order within a period of four months from the date of receipt of certified copy of this order.

8. Respondent No.4 shall be at liberty to recover the costs of Rs.25,000/- from the concerned official responsible for the delay.

(HARPREET SINGH BRAR)
JUDGE

12.08.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No