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

**CWP-5302-2021 (O&M)
Date of decision: 04.09.2025**

Kanshi Ram

... Petitioner

Vs.

Haryana Power Generation Corporation Ltd. and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. J.S. Maanipur, Advocate and
Ms. Harpreet Kaur, Advocate
for the petitioner.

Mr. Padamkant Dwivedi, Advocate and
Ms. Ayushi, Advocate
for the respondents.

HARPREET SINGH BRAR, J. (ORAL)

CM-8662-CWP-2023

1. This application has been filed under Section 151 of the Code of Civil Procedure, 1908 for placing on record the replication filed by the petitioner to the written statement filed by the respondents.

2. In view of the averments made in the application, same is allowed and replication on behalf of the petitioner is taken on record. Registry is directed to tag the same at the appropriate place of the case file.

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3. Present civil writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* seeking quashing of the office orders dated 27.03.2020 (Annexure P-11) and 12.07.2019 (Annexure P-7) passed by respondent No.2, whereby the benefit of Assured Career Progression (ACP) had been withdrawn and further to issue a writ in the nature of *mandamus* directing the respondents to grant the benefit of ACP to the petitioner, which was earlier granted to him vide office order dated 13.02.2007 (Annexure P-3).

4. Learned counsel for the petitioner submits that the issue raised in the present writ petition is no longer *res integra*, as the Division Bench of this Court has already settled the controversy in ***LPA-1865-2015*** titled as '***State of Haryana and others Vs. Parmanand and others***'. Further, the Division Bench of this Court, while relying upon a judgment of the Hon'ble Supreme Court in ***Amresh Kumar Sinha and others Vs. State of Bihar and others, 2024 (1) SLR 199***, wherein the issue of grant of ACP was considered, decided ***LPA-2377-2024*** titled as '***The Haryana Power Generation Corporation Ltd. and another Vs. Ram Lal***', on 01.05.2025. It is contended that on the ground of not possessing the qualification for promotion, benefit of ACP cannot be denied. Further, the benefit of ACP, which was extended to the petitioner in the year 2007 vide office order dated 13.02.2007 (Annexure P-3), has illegally been withdrawn in the year 2019 vide office order dated 12.07.2019



(Annexure P-7).

5. Learned counsel for the respondents could not controvert the fact that case of the petitioner is squarely covered by the judgments rendered by the Division Bench of this Court in **Parmanand**'s case (*supra*) and **Ram Lal**'s case (*supra*).

6. I have heard learned counsel for the parties and perused the record of the case with their able assistance.

7. The controversy involved in the present writ petition is squarely covered by the judgments passed Division Bench of this Court in **Parmanand**'s case (*supra*) and **Ram Lal**'s case (*supra*). The observations made in **Ram Lal**'s case (*supra*), speaking through Justice Sanjeev Prakash Sharma, read as under: -

*“The issue already stands settled by this Court in LPA-1865-2015, **‘State of Haryana and others v. Parmanand and others’**, decided on 05.03.2025, wherein this Court held as under:-*

*“7. In Amresh Kumar Sinha & Ors (*supra*), Hon’ble the Supreme Court has relied upon the observations made by the Three Judges’ Bench of the Apex Court in Union of India & Anr (*supra*) and has held that “the qualification of graduation was prescribed for the promotion to the post of Accounts Officer rather than for grant of in-situ promotion on the non-functional post or for extending the benefit of ACP which was purely and simply in the nature of grant of monetary benefit without actually effectuating any promotion to any higher post and the appellants were to be*



extended the benefit of ACP”.

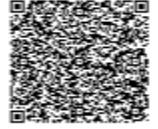
8. It is worth-while to mention here that while answering the reference in Kamlanand Thakur versus The State of Bihar and others, 2025(1) SLR 695, the Full Bench of Patna High Court has also relied upon the afore-quoted verdict of the Apex Court and has observed as under:-

“48. Thus, the questions stand answered as follows :-

(A.) Rule 157(3)[J] of the Bihar Board’s Miscellaneous Rules, 1958, requiring passing of Departmental Accounts Examination for promotion, is not applicable in case of grant of A.C.P. benefits under the A.C.P. Rules, 2003;

(B.) Rule 157(3)[J] of the Bihar Board’s Miscellaneous Rules, 1958 is confined to passing of preliminary examination/final examination in Accounts only for the purpose of confirmation, crossing the efficiency bar and promotion to Selection Grade only and not for regular promotion;

(C.) Rule 4(5) of the A.C.P. Rules, 2003 even though provides that the prescribed requirements and mode of sanction of financial progression under the scheme (A.C.P. scheme) shall be the same which are prescribed under the Recruitment/Service Rules for regular promotion against vacancies and if the Rules/Resolutions prescribe passing of Department Examination or any qualification for promotion, that shall also be an essential condition for sanction of benefit under the scheme will not affect the claim for grant of A.C.P. after completion of twelve/twenty four

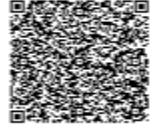


years of service for the reason that such financial progression under the A.C.P. scheme is only in situ promotion and nothing more. This is even notwithstanding any such requirement of passing any Departmental Examination or acquiring any educational qualification for promotion under the Service/Recruitment/Promotion Rules.”

The above-quoted observations, as made by Hon’ble Supreme Court in Amresh Kumar Sinha & Ors (supra) and by the Full Bench of the Patna High Court in Kamlanand Thakur (supra), are fully applicable to the instant appeals and in view of these observations and also the fact that some ‘Patwaris’, who were similarly placed, have been exempted from passing the afore-referred exam/test and have been granted the benefit of ACP Scales, it is held that the respondents-writ petitioners cannot be deprived of the benefit of ACP Scales on account of their not having cleared/passed the departmental test/ exam for the post of ‘Kanungo’.

9. As a sequel to the fore-going discussion and in view of the findings as recorded by learned Single Judge(s), we are of the considered opinion that there is no cogent and valid reason/ground to interfere with the impugned judgments. Resultantly, the appeals in hand, being sans any merit, stand dismissed accordingly.”

8. In view of the aforesaid judgment rendered by the Division Bench of this Court in **Ram Lal**’s case (*supra*), present petition is allowed and the impugned office orders dated 27.03.2020 (Annexure P-11) and



12.07.2019 (Annexure P-7) passed by respondent No.2, withdrawing the benefit of ACP, are hereby set aside. Accordingly, the respondents are directed to grant the benefit of ACP w.e.f. from the date, from which it was ordered to be stopped/withdrawn and arrears of consequential benefits along with interest @6% per annum be paid to the petitioner within a period of two months from the date of receipt of certified copy of this order.

9. With the aforesaid observations made and directions issued, the present writ petition stands disposed of.

10. All the pending miscellaneous application(s), if any, shall stand disposed of.

04.09.2025
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No