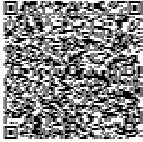


229 (2 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:161969-DB



CM-5205-LPA-2024

CM-5206-LPA-2024

CM-5204-LPA-2024

LPA-2189-2024

Date of Decision: 20.11.2025

District Red Cross Society and another

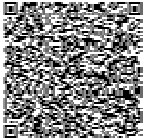
...Appellants

Vs.

Rajinder Kaur and another

...Respondents

2025:PHHC:161969-DB



CM-6726-LPA-2024

LPA-2756-2024 (O&M)

Date of Decision: 20.11.2025

State of Haryana

...Appellant

Vs.

Rajinder Kaur and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. K.K. Gupta, Advocate for the appellants in LPA-2189-2024
and respondents No.2 and 3 in LPA-2756-2024.

Ms. Sangita Dhanda, Advocate for respondent No.1
in both appeals.

Mr. Saurabh Mohunta, DAG, Haryana for the appellant in LPA-
2756-2024 and respondent No.2 in LPA-2189-2024.

ASHWANI KUMAR MISHRA, J. (Oral)

CM-5204-LPA-2024 in
LPA-2189-2024

Application is for condonation of 20 days' delay in re-filing of the appeal.

The delay has been satisfactorily explained.

In view thereto, the application is allowed and delay of 20 days in re-filing the appeal is condoned.

CM-5205-LPA-2024 in
LPA-2189-2024

Application is for condonation of 9 days' delay in filing of the appeal.

The delay has been satisfactorily explained.

In view thereto, the application is allowed and delay of 9 days in filing the appeal is condoned.

CM-6726-LPA-2024 in
LPA-2756-2024

Application is for condonation of 306 days' delay in filing of the appeal.

The delay has been satisfactorily explained.

In view thereto, the application is allowed and delay of 306 days in filing the appeal is condoned.

MAIN APPEALS.

1. These two appeals are directed against judgment of the learned Single Judge dated 31.10.2023, wherein the order under challenge before the learned Single Judge dated 13.02.2014, has been set aside and a direction is issued to the appellants to release benefit of ACP scale and 6th pay commission report to the writ petitioner along with interest @ 6% per annum.

2. It transpires that the writ petitioner was appointed as 'Lady Health Visitor' in a scheme floated by the Central Government, which was delegated by the State to the Red Cross Society. The initial engagement of the writ petitioner was on 26.09.1979. She continued to work and ultimately superannuated on 29.02.2016.

3. The writ petitioner claimed benefit of gratuity, leave encashment as well as benefit of ACP and 6th pay commission report. As regards gratuity and leave encashment, payment under the said heads has already been made to the petitioner and there is no issue on that count. The dispute pertains to entitlement of the writ petitioner to receive ACP scale as also the benefit under the 6th pay commission, which is under consideration in these appeals.

4. Learned Single Judge has allowed the writ petition on the ground that the decision of the Central Government dated 17.06.2009, clarifying that such benefits are not admissible to the writ petitioner is prospective in nature and cannot retrospectively regulate the entitlement of the writ petitioner to receive benefit of ACP and the 6th pay commission report.

5. So far as the communication issued by the Central Government is concerned, it only provides that ACP benefits and 6th pay commission are not admissible to the employees engaged in the project known as 'Urban Family Welfare Project' of the Central Government. This communication only clarifies the existing decision and cannot be treated to be a decision prospective in nature in order extend benefit of ACP and 6th pay commission report. Moreover, we find that the nature of appointment offered to the writ petitioner as also her entitlement to receive salary at par with the State Government employees required determination before the benefit of 6th pay

commission as well as ACP could be extended to her. There is no consideration at the level of the learned Single Judge with regard to nature of appointment offered to the writ petitioner. In case the appointment of the appellant is purely under the project of the Central Government, the benefits admissible to a regular government employee cannot be held admissible. We do not intend to express any definite opinion in this regard as there is no consideration on these aspects by the learned Single Judge.

6. In such circumstances, we allow the appeals and set aside the judgment dated 31.10.2023, passed by the learned Single Judge. Consequently the matter stands remitted to the learned Single Judge with a request to adjudicate the claim of the writ petitioner afresh keeping in view the observations aforesaid at per his Lordship’s earliest convenience. It goes without saying that the observations recorded herein above would have no bearing on the claim of the writ petition, which is to be adjudicated by the learned Single Judge in accordance with law.

7. All pending misc. application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

20.11.2025
rajesh

1. Whether speaking/reasoned?

:

Yes/No
2. Whether reportable?

:

Yes/No