



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

CWP-17278-2015

Date of Decision: 15.09.2025

Usha Rani

...Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Krishan Lal, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

Mr. Jaivir S. Chandail, Additional Standing Counsel,
U.T., Chandigarh for respondents No.4 to 6 and 8.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 19.03.2015 (Annexure P-9) whereby respondent has ordered to fix ACP under 8/32 Years' Scheme instead of 16/24 Years' Scheme. She is further seeking direction to refix her salary as per applicable ACP.

2. The petitioner is a retired School Teacher. She retired on 31.10.2014 on attaining the age of superannuation. She served respondent for 37 years. She joined service on 01.04.1977. She was part of Punjab Government but retired from U.T. Administration, Chandigarh because she was on deputation. She was holding lien with State of Punjab, thus, she was subjected to rules and regulations applicable to employees of State of Punjab. The respondent-U.T. Administration, Chandigarh fixed

her pay scale as per its calculation, however, State Authorities vide communication dated 31.10.2014 asked U.T. Administration, Chandigarh to rectify mistake with respect to ACP. The Administration in its order dated 29.04.2015 refixed her salary w.e.f. 01.01.2006. As per directions of State Government, the Administration vide order dated 10.08.2015 recalled earlier fixation of pay order and revised her basic pay as Rs.24,330/- w.e.f. 01.01.2012. The petitioner is claiming that her pay was wrongly ordered to be revised and thereafter actually revised. She was entitled to ACP as per applicable rules. The respondent by order dated 29.04.2015 fixed her salary Rs.24,800/- which was wrongly reduced to Rs.24,330/-.

3. The petitioner was initially seeking prohibition from recovery and release of her pensionary benefits, however, through amended petition is seeking setting aside of order dated 31.10.2014 whereby State Government has directed U.T to calculate correct amount of salary.

4. Learned counsel representing U.T., Chandigarh submits that U.T. has made calculation as per instructions of State Government because petitioner is employee of State Government.

5. Learned State counsel submits that petitioner was entitled to ACP on completion of 8 years' and 32 years' service. She completed 32 years' service on 01.04.2009, thus, was entitled to higher pay scale from 01.04.2009. She has been rightly granted ACP w.e.f. 01.04.2009.

6. On being asked, learned State counsel submits it is factually correct that ACP scales released on 21.09.1998 and 17.04.2000 stand revived w.e.f. 28.05.2009, however, submits that petitioner has rightly

been granted ACP. No recovery has been effected from her and her retiral dues stand released.

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

8. The respondent has not effected recovery from petitioner despite recalculation of her salary. The apprehension of petitioner that there may be recovery stands allayed. She has already been released retrial dues, thus, her said grievance stand attenuated. The question remains of only ACP. The respondent has granted her two ACPs i.e. at 8 years and 32 years. If the petitioner is entitled to any other ACP, she may make representation to Competent Authority which would address her representation within two months from the date of filing.

9. ***Disposed of.***

(JAGMOHAN BANSAL)
JUDGE

15.09.2025
Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No