



CWP-20878-2021

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

(250)

CWP-20878-2021

Date of Decision : 11.11.2025

Jasbir Singh Dilawari

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Nirmal Singh Kandhola, Advocate
for the petitioner.

Mr. T.P.S. Walia, AAG, Punjab.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant writ petition, cast under Article 226/227 of the Constitution of India, a prayer is made for quashing of order dated 21.09.2021 (Annexure P-10), wherethrough, the relief of grant of Assured Carrier Progression (ACP) Scheme, after completion of 09 years of regular service in one cadre, in accordance with the Rules, has been declined.

2. The petitioner was appointed on the post of Junior Engineer in the department of PWD (B&R), Punjab, in the year 1984, and in due course of his service, he was promoted to the post of Assistant Engineer. Subsequently, he was promoted to the post of Sub Divisional Engineer, vide order dated 02.11.2010, and he joined on the said post on the same day itself, i.e. on 02.11.2010 (before noon). The petitioner was having a very good service record, and was having a very good Annual Confidential Reports (ACR), and therefore, in compliance to Rule 5 of the Punjab (Assured Carrier



Progression) Rules, 2011, he was granted the benefit of placement in higher scale after completion of 04 years of regular service in the cadre of Sub Divisional Engineer, vide order dated 15/19.12.2014, w.e.f. 23.11.2014. Though, the petitioner had completed 04 years of regular service on 01.11.2014, and accordingly, the pay of the petitioner was fixed. In view of the above sequence of events, the petitioner shall further be entitled for placement in the higher scale after completion of 09 years of service on 01.11.2019, as he remained on the said post during that period. However, the petitioner retired on 31.10.2019, on attaining the age of superannuation. Though, the petitioner had worked on extension, and therefore, he should have been entitled for higher scale after completion of 09 years, i.e. on 01.11.2019, but, he was refused to grant the benefit of second ACP, despite the completion of 09 years of service. Learned counsel for the petitioner submits that only on account of one day short for completion of 09 years, the entire service rendered on the said post, cannot be washed away, and he is, in fact, entitled for higher scale after completion of 09 years of service, as per the Rule 5 *ibid*

3. He has placed reliance upon the judgment passed by the Division Bench of this Court in '**Chaman Lal and others vs. State of Haryana and others**', to submit that the instant case is fully covered therein.

4. This Court has considered the submissions made by the learned counsel for the parties concerned.

5. At this stage, this Court is of the considered opinion that the respondent/Management, is required to re-consider the matter afresh, in view of the latest law laid down by the Division Bench of this Court, in the judgment (*supra*).



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6. In view of the above, the instant writ petition is **disposed of**, with a *mandamus*, upon the respondents, to re-consider the matter afresh, after giving due opportunity of hearing to the petitioner, and decide the claim of the petitioner *qua* ACP, after completion of 09 years of service, within a period of four weeks from the date of receipt of certified copy of this order.
7. It is expected that in case, the petitioner is found to be eligible, the amount due shall be released to him, most expeditiously, preferably within the next six weeks, thereafter.
8. Ordered accordingly.

(KULDEEP TIWARI)
JUDGE

November 11, 2025
Manpreet

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