



CM-17758-CWP-2024 in/and
CWP-22920-2022 (O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(114+274) CM-17758-CWP-2024 in/and
CWP-22920-2022 (O&M)
Date of Decision : January 15, 2025

Om Parkash .. Petitioner

Versus

Punjab and Haryana High Court and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Lukesh Kumar Gollen, Advocate, for the petitioner.
Ms. Rajwinder Kaur, Advocate, for respondents No. 1 and 2.
Mr. Gaurav Jindal, Addl. A.G., Haryana, for respondent No.3.

HARSIMRAN SINGH SETHI J. (ORAL)

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As prayed for, the application is allowed.

Annexure R-4 is taken on record.

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1. The petitioner prayed for quashing impugned order dated 07.06.2017 (Annexure P-3) whereby, his request for the grant of Assured Carrier Progression Scheme (ACP) w.e.f. 01.01.2008 has been rejected only on the ground that there was a pay revision which was given effect to in the year 2003 and after the said pay revision, the period of 10 years,



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which is to be required to be undertaken for the grant of ACP, is to be taken from the said date of the revision of the pay scale and not from the date of continues appointment in the cadre in which the benefit of ACP Scheme is being claimed.

2. Learned counsel for the petitioner further submits that the issue whether, the continuance length in the cadre is to be seen for computing 10 years for the grant of ACP or the 10 years are to be computed from the date of revision of pay scale has already been adjudicated by the Coordinate Bench of this Court while passing order in ***CWP No.2261 of 2011 titled as Gobind Rai and others vs. Punjab and Haryana High Court and another, decided on 24.05.2016***, which judgment has already attained finality and the relief has already been given to the petitioner therein but the respondents are denying the benefit to the petitioner by ignoring the said judgment, which is arbitrary and illegal.

3. Learned counsel appearing on behalf of respondents No. 1 and 2 has not been able to dispute the fact that the issue raised in the present petition has already been answered by the Coordinate Bench of this Court in ***Gobind Rai's case (supra)***.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. Once, the issue raised in the present petition has already been decided by the Coordinate Bench of this Court in ***Gobind Rai's case (supra)*** and the said judgment has subsequently followed in another writ petition bearing ***CWP No.6569 of 2009 titled as Rajesh Kumar Saini and***



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others vs. State of Haryana and others, decided on 21.12.2017 and as per the letter of the Registrar General to the various districts the judgment in *Gobind Rai's case (supra)* is to be followed, the petitioner should have been given the benefit on the basis of the judgment in *Gobind Rai's case (supra)*.

6. The present writ petition is also allowed in terms of the judgment in *Gobind Rai's case (supra)* and the claim of the petitioner be considered for the grant of ACP keeping in view the length of service in the cadre ignoring the revision of pay scale which took place in the year 2003. Let the order be complied with within a period of eight weeks of the receipt of copy of this order and the consequential benefits admissible to the petitioner including the arrears of ACP after being granted from the due date be also released within the time frame granted.

7. Civil miscellaneous application pending if any, also stands disposed of.

January 15, 2025
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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