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

**CWP-31948-2019 (O&M)
Date of decision: 13.08.2025**

Ranjit Singh and others

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ranjit Saini, Advocate and
Mr. A.S. Khaira, Advocate
for the petitioners.

Mr. Vikas Arora, DAG, Punjab
for respondents No.1 & 2.

Mr. Harmanjeet Singh Dhaliwal, Advocate for
Mr. Navraj Singh Mahal, Advocate
for respondents No.3 & 4.

HARPREET SINGH BRAR, J. (ORAL)

1. Present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* seeking setting aside of the order dated 14.06.2019 (Annexure P-11) passed by respondent No.2-Registrar, Cooperative Societies, Punjab and further to



issue a writ in the nature of *mandamus* directing the respondents to grant the benefit of Assured Career Progression Scheme (for short 'ACP Scheme'), as contained in Annexure P-1, to the petitioners on completion of 4, 9, 14 years of service in a cadre as well as all the consequential benefits accrued from the same.

2. Learned counsel for the petitioners, *inter alia*, contends that the petitioners are working on different posts i.e. Peons, Drivers and Accountant with respondents No.3 & 4-Bank. Respondent No.2-Registrar, Cooperative Societies, Punjab issued orders/letters on three different occasions, whereby an assurance was given to implement the ACP Scheme by respondents No.3 & 4-Bank and last such order/letter was issued on 20.03.2013 (Annexure P-3), compliance of which was not made in letter and spirit, as some of the employees have not been granted the benefit of ACP Scheme, as contained in Annexure P-1. Feeling aggrieved, the petitioners approached this Court by filing a petition i.e. CWP-4161-2016 for grant of benefit of ACP Scheme, contained in Annexure P-1 and the said petition was disposed of vide order dated 09.04.2019 (Annexure P-10) with a specific direction to respondent No.2-Registrar, Cooperative Societies, Punjab to ensure compliance of the order/letter dated 20.03.2013 (Annexure P-3) as per its recommendations. In compliance of the order dated 09.04.2019 (Annexure P-10) passed by this Court, impugned order dated 14.06.2019 (Annexure P-11) was passed, vide



which claim of the petitioners was rejected on the ground they had not opted for ACP Scheme, contained in Annexure P-1; rather they opted for 8-16-24-32 years ACP scheme and as per their option, benefits and pay scales have already been granted to them. However, benefit of ACP Scheme, which was initiated as per order/letter dated 03.11.2006 (Annexure P-1) and circulated vide letter dated 03.02.2010, was not granted to the petitioners on the ground that they deliberately not opted for the said scheme at that time.

3. Learned counsel for the petitioners further contends that the petitioners are not well versed with the service schemes launched by respondent No.2-Registrar, Cooperative Societies, Punjab from time to time. There is no material or any reasoning to remotely suggest that these letters, vide which ACP Scheme, on completion of 4, 9, 14 years of service in a cadre, was implemented, were ever circulated or the petitioners noted down the same.

4. *Per contra*, learned counsel for respondents No.3 & 4 submits that the petitioners were not found entitled for the benefit of ACP Scheme, contained in Annexure P-1, as they had not opted for the said scheme within the stipulated time frame. However, he could not point out as to when the petitioners were made aware of the said scheme.

5. In compliance of the orders dated 14.03.2024, 10.09.2024 and 05.08.2025 passed by this Court, costs of Rs.10,000/- has been deposited with



the Punjab and Haryana High Court Bar Clerks Association, Chandigarh and learned counsel for respondents No.3 & 4 has produced a receipt in this regard, in the Court today, which is taken on record.

6. Additionally, learned State counsel, on behalf of respondents No.1 & 2, submits that it was obligatory upon the petitioners to have exercised their option. Even one time opportunity was granted to the petitioners, vide letter dated 15.04.2010 to exercise their option with a period of three months from the date of issuance of the said letter. As such, the petitioners are not entitled to claim benefits of ACP Scheme, contained in letter (Annexure P-1).

7. Having heard learned counsel for the parties at length and after careful perusal of record of the case with their able assistance, it transpires that more than 127 employees were granted the benefit of ACP Scheme, contained in letter (Annexure P-1), implemented by respondents No.3 & 4-Bank and only 11 persons i.e. the petitioners had been denied the benefit on the ground that they had deliberately not opted for the said scheme within the stipulated period.

8. Further, case of the petitioners is squarely covered by a judgment passed by the Division Bench of this Court in ***Ram Dia and others Vs. Uttar Haryana Bijli Vitran Nigam Ltd., 2005(5) SCT 387***, wherein, speaking through Justice Nirmal Yadav, following was observed: -



*“9. Learned counsel for the petitioner vehemently argued that petitioners are illiterate and no such circular as pointed out by the respondents, was got noted from them. The petitioners were always desirous and willing to opt for the pension scheme by counting the work-charge/daily-wage service. In support of his arguments, the learned counsel relied on a judgment of this Court in the case of **Lilu Ram v. State of Haryana and others, CWP No. 2476 of 1997, decided on 9.10.1997**. The learned counsel for the respondents failed to show any material that the circular dated 6.8.1993 was actually got noted in writing from the petitioners. In the absence of any such material, it can well be inferred that the petitioner had no knowledge about the options called by the respondents vide the aforesaid circular. Therefore, it is unreasonable to deny the pensionary benefits to the petitioners.*

10. Accordingly, the writ petition is allowed. The order at Annexure P4, dated 13.2.2004 is quashed. The respondents are directed to allow the petitioners to exercise their option in accordance with their circular dated 6.8.1993 within a period of one month of receipt of a certified copy of this order and give them the consequential benefits within two months thereafter subject to their fulfilling the conditions of eligibility for being governed under the aforesaid circular dated 6.8.1993.”

9. In view of the above discussion, present petition is allowed and respondents No.3 & 4 are directed to re-assess the entitlement of the petitioners, in terms of circular letter dated 03.11.2006 (Annexure P-1) and to adjust any amount paid to them towards earlier ACP Scheme of 8-16-24-32



years. Respondents No.3 & 4 are further directed to release the consequential benefits within a period of three months from the date of receipt of certified copy of this order.

10. Further, the petitioners as well as respondents No.3 & 4 shall not be entitled to claim any interest either on the delayed payment or the payment released in favour of the petitioners in terms of earlier ACP Scheme.

11. With the aforesaid observations made and directions issued, present writ petition stands disposed of with no order as to costs.

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

13.08.2025
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[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No