2026:PHHC:080675

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

**247**

**CWP-3425-2024 (O&M)**
**Date of decision: 21.05.2026**

Dalbir Singh

....Petitioner

Versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. Shokeen Singh Verma, Advocate
for the petitioner.

Mr. Chirag Wadhwa, DAG, Haryana.

Mr. Jagbir Malik, Advocate
for respondents No.2 to 4.

**HARPREET SINGH BRAR J. (Oral)**

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing the respondents to release the retiral benefits including pension etc. along with interest @ 18% per annum from the date of retirement of the petitioner till its actual payment. Further a writ of certiorari has been sought, for quashing the impugned show cause notice dated 06.02.2024 (Annexure P-5) and all the subsequent proceedings arising therefrom. Another prayer has been made to stay the operation of impugned show cause notice dated 06.02.2024 (Annexure P-5) and all the subsequent proceedings arising therefrom, subject to the final outcome of present petition.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was appointed as Steno-typist with respondent/Board on 09.11.1989 and after rendering about 33 years of service, he retired on attaining the age of superannuation on 28.04.2023. At the time of retirement, neither any departmental proceedings nor any criminal proceedings were pending against the petitioner, however, his retiral dues were withheld. He further submits that subsequently, the petitioner was served with show cause notice dated 06.02.2024 (Annexure P-5), whereby it was alleged that the benefit of first and second ACP scales granted to the petitioner during service career was erroneous on account of non-clearing of shorthand/type test. He further submits that the Board of Directors of respondent/Board in its meetings held on 06.07.2018 and 25.10.2018 vide Agenda Nos.23 and 9 respectively, exempted Clerks, Caretakers and Storekeepers appointed/promoted prior to 04.01.2008 from the condition of passing type test. Learned counsel for the petitioner further contends that the petitioner had continuously availed the ACP benefits during the service and the same were never objected to prior to his retirement. Learned counsel for the petitioner further submits that the case of the petitioner is squarely covered by the judgment rendered by this Court in **CWP-8499-2023** titled as ***Kamla Chaudhary vs State of Haryana and others***, decided on **15.09.2025**.

3. *Per contra*, learned counsel for respondents No.2 to 4 submits that under the Haryana Civil Services ACP Rules, 1998, as amended from time to time, passing of departmental/type test was a

mandatory condition for grant of ACP scales. The petitioner had not passed the requisite shorthand/type test and therefore, the benefit of first and second ACP scales granted to him in the years 1999 and 2009 was wrongly extended. Accordingly, the pay of the petitioner was rightly re-fixed and all admissible retiral benefits have been released.

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

5. Admittedly, the petitioner joined service with respondent/Board on 09.11.1989 and retired on 28.04.2023. It is also not disputed that the petitioner was granted first ACP scale in the year 1999 and second ACP scale in the year 2009 and the same continued throughout his service tenure. A perusal of the record further reveals that no objection regarding grant of ACP benefits was ever raised during the entire service career of the petitioner and no proceedings were initiated against him prior to his retirement.

6. The sole basis for issuance of impugned show cause notice dated 06.02.2024 is that the petitioner had not passed the requisite shorthand/type test for grant of ACP scales. However, learned counsel for respondents No.2 to 4 has failed to place on record any material to show that the petitioner was ever called upon to appear in such test and despite opportunity, he either abstained from participating therein or failed to qualify the same.

7. Moreover, the Board of Directors of respondent/Board, being the competent decision making authority, had already granted

exemption/relaxation from the condition of passing the type test in its meetings held on 06.07.2018 and 25.10.2018 in respect of employees appointed/promoted prior to 04.01.2008. The petitioner admittedly falls within the said category. Once such exemption had been granted by the competent authority and the petitioner had continued to draw ACP benefits till retirement, the respondents could not have sought withdrawal of the same after his retirement.

8. Furthermore, the controversy involved in the present case is no longer *res integra*. This Court in ***Kamla Chaudhary's case (supra)***, while relying upon the judgments of the Hon'ble Supreme Court in ***Amresh Kumar Singh v. State of Bihar, 2023 SCC OnLine SC 496*** and ***Union of India v. G. Ranjanna, (2008) 14 SCC 721*** held that ACP benefits are merely financial upgradations intended to remove stagnation and do not amount to actual promotion. Consequently, departmental/type test prescribed for promotional posts cannot be made a ground to deny or withdraw ACP benefits. This Court in the said judgment further held that once the benefit had been granted and continued during the entire service tenure, the same could not be withdrawn after retirement particularly in absence of any allegation of fraud or misrepresentation on the part of the employee.

9. Moreover, the action of the respondents in withholding the retiral dues and seeking recovery after retirement is also contrary to the principles laid down by the Full Bench of this Court in ***A.S. Randhawa Supg. Engineer (Retd.) v. State of Punjab***, wherein it was held that

retiral benefits are required to be released within a reasonable time and delayed payment would entail liability of interest.

10. Consequently, the present petition is allowed and the impugned show cause notice dated 06.02.2024 (Annexure P-5) and all consequential proceedings arising therefrom are hereby quashed. The respondents are directed to release the arrears of retiral dues and all other consequential pensionary benefits of the petitioner, if not released so far, along with interest @ 6% per annum from the date the same became due till actual realization, within a period of three months from the date of receipt of certified copy of this order.

11. Pending miscellaneous application, if any, also stands disposed of.

**(HARPREET SINGH BRAR)**
**JUDGE**

**21.05.2026**
*yakub*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No