

CWP- 10651-2026(O&M)

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

129

CWP-10651-2026(O&M)
Date of decision: 08.04.2026

Raj Kumar & ors.

... Petitioners

Vs.

State of Haryana and others

... Respondents

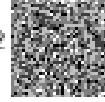
CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr.Arihant Goyal, Advocate,
for the petitioners.

Mr. Vikrant Pamboo, Addl. AG, Haryana.

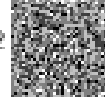
Mr. Prince Singh, Advocate
for respondents No.2 to 10.**HARPREET SINGH BRAR, J. (ORAL)**

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus*, directing the respondent- authorities to grant the benefit of 2nd ACP and 3rd ACP along with interest @ 18% per annum to the petitioners in view of the judgment/order passed by this Court in CWP No.6225 of 2013 titled as **Roshan Lal and others Vs. Haryana Vidyut Prasaran Nigam Limited and others** decided on 09.02.2016 (Annexure P-7), which has been upheld in LPA No. 1430 of 2016 decided on 02.03.2017 (Annexure P-8) and in view of the judgment dated 22.01.2018 (Annexure P-9) wherein the counsel for the Board specifically submitted that the claim of the petitioners



in CWP No.27062 of 2016 was considered in the wake of the judgment passed by this Court in the case of **Roshan Lal (supra)**, whereas in the present case the admissible benefits have been denied to the petitioners on the ground that they have been granted two promotions during the period in question but the fact remains that the benefit of financial upgradation has not been granted to them due to which they are drawing the pay in the pay scale of feeder cadre post i.e. ALM whereas the similarly situated employees have been granted the benefit of ACP by respondent No.5 vide office Order No.52 dated 30.01.2015 (Annexure P-14) and as such, the discrimination has been meted with the petitioners without there being any fault on their part.

2. Learned counsel for the petitioners *inter alia* contends that the petitioners have denied the benefit of ACP increments on the ground they have earned promotion, whereas the respondents have not granted any financial benefits with regard to the petitioners having worked on the promoted post and they have approached this Court by filing CWP-9673-2023, which was disposed of on 09.07.2025 on the statement made by learned counsel for the respondent-Nigam that the petitioners are not entitled for ACP, as they have already been granted two promotions. The petitioners had filed Civil Misc. No.19295-CWP-2025 in CWP-9673-2023, which was dismissed on 24.12.2025 while observing that the claim of the petitioners towards salary having worked on higher post is a fresh cause of action. In this regard, the petitioners served legal notice dated (Annexure P-6), which remained unheeded. Similarly situated persons have been granted the benefit of ACP.



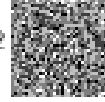
3. Notice of motion.

4. Mr. Vikrant Pamboo, Addl.A.G, Haryana and Mr. Prince Singh, Advocate, who is present in the Court, accept notice on behalf of respondent No.1 and respondents No. 2 to 10 respectively.

5. Learned counsel for respondents No.2 to 10 reiterates the ground taken during the arguments advanced before the Coordinate Bench in CWP-9673-2023 as discernible from Annexure P-6. However, he could not controvert the fact that a person, who has performed duties on a higher post is entitled to the salary of that post as has been laid down by the Apex Court in **P. Grover Vs. State of Haryana and anr., 1983 AIR SC 1060** and submits that legal notice dated 12.01.2026 (Annexure P-20) of the petitioners would be considered and decided by passing a well reasoned and speaking order.

6. Having heard learned counsel for the parties, this Court is *prima facie* convinced with the arguments advanced by learned counsel for the petitioners as the petitioners' claim for ACP benefit has been denied on the ground that they have earned two promotions, whereas the petitioners have not been extended any financial benefits on account of working on higher post which has been treated as promotion by the respondent-Corporation.

7. In view of the the above, present petition is disposed of with direction to respondent No.3 to consider and decide the legal notice dated 12.01.2026 (Annexure P-20) in accordance with law and in the light of the judgment of the Apex Court in **P Grover's case (supra)** and pass a speaking

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order, after affording an opportunity of hearing to the petitioners, within a period of eight weeks from the date of receipt of certified copy of this order.

5. Further, the decision taken on the legal notice 12.01.2026 (Annexure P-20) shall be conveyed to the petitioners.

6. Needless to say, if the petitioners are found entitled to the relief sought, the same shall be granted to them forthwith by the competent authority.

[HARPREET SINGH BRAR]
JUDGE

08.04.2026
monika

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