



CWP- 22155-2021(O&M)

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

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**CWP-22155-2021(O&M)
Date of decision: 09.04.2026**

Harbhajan Singh**... Petitioner**

Vs.

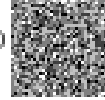
Punjab State Power Corporation Ltd. & ors.**... Respondents****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Pankaj Sharma, Advocate
for the petitioner.

Mr. Rishabh Gupta, Advocate
for the respondents.

HARPREET SINGH BRAR, J. (ORAL)

1. Present civil writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* quashing the order dated 28.05.2019 (Annexure P-9) passed by the respondents and further to quash the order dated 13.01.2021 (Annexure P-12) passed by the Appellate Authority dismissing the appeal of the petitioner against the above order, whereby claim of the petitioner has been rejected with regard to payment/grant of pay scale of Rs. 7750-14500 + 5800 Grade Pay (which has now been revised to Rs.16650-39100 + Grade Pay of Rs. 5800) as 2nd Time Bound Scale after completing 16 years of service with the respondent-Corporation. The respondents earlier passed the order dated 27.06.2017 (Annexure P-6) regarding payment but now rejected the same on the ground that the petitioner has not cleared the Departmental Accounts Examination,



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where as the petitioner has been waived off from passing the said test *being* employee of the Municipal Corporation, Amritsar (Annexure P-1). Further, for issuance of a writ in the nature of *mandamus* directing the respondents to grant the pay scale of Rs.7750-14500+5800 Grade Pay, which has now been revised to Rs.16650-39100+Grade Pay of Rs. 5800/- from the date the petitioner is entitled after completing 16 years of service with respondent Corporation along with 18% rate of interest.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner initially appointed in the Municipal Corporation, Amritsar on 31.05.1979. Thereafter, he earned the promotion of Sub Station Attendant in the year 1985, Junior Engineer/JE-II on 06.05.1992 in the Electricity Wing of Municipal Corporation, Amritsar and JE-1/Additional Assistant Engineer on 09.11.2005. On 01.04.1995, the Electricity Wing of Municipal Corporation was merged with erstwhile Punjab State Electricity Board (PSEB) and the petitioner along with other employees of Municipal Corporation, Amritsar, were absorbed in the PSEB. In the year 2010, PSEB was further bifurcated into two Power Corporations. The petitioner was promoted as SDO on 10.11.2015 and retired on 31.03.2016. The petitioner was granted 9 years first time bound promotional scale in the year 2001 and 16 years second time bound promotion scale in the year 2008.

2.1 Learned counsel for the petitioner refers to Annexure P-1 and submits that on 03.12.1997, all the employees of Municipal Corporation, Amritsar, were exempted from the condition of passing departmental accounts



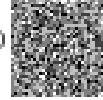
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examination. Thereafter, another order was passed on 04.01.1999, waiving off the condition of passing of department accounts examination for Engineering Officers of the erstwhile Municipal Corporation, Amritsar, who have been absorbed in PSEB. On 21.12.2016 vide Annexure P-3, the Audit Branch raised objection regarding not passing the departmental examination by the petitioner. Even thereafter on 14.06.2017 vide Annexure P-5, the petitioner was allowed to retain the benefit of time bound scales on the premise that the condition of passing the departmental accounts examination has been waived off. As such, the impugned action of the respondent-Corporation is not sustainable and the petitioner's pay and pension is required adding 16 years second time bound scale.

2.2 He further refers to the office order dated 27.05.2017, which was passed after the audit objection dated 21.12.2016 in which the petitioner was granted the benefit of 16 years second time bound scale vide Annexure P-6 and surprisingly the decision taken vide Annexure P-6 has not been implemented. He further relies upon the judgment of the Division Bench of this Court in LPA-1865-2015, titled **State of Haryana & ors. Vs. Parmanand & ors.**, decided on 05.03.2025.

3. *Per contra*, learned counsel for the respondent-Corporation submits that the petitioner was granted exemption from passing departmental accounts examination for promotion only, whereas no such exemption was granted for the time bound scale increments. He further refers to Annexure R-1 and submits that a clarification was issued that exemption was only for



the purpose of promotion. As such, the petitioner is not entitled to the second 16 years time bound scale.

4. Having heard learned counsel for the parties and after perusing the record, it transpires that on 03.12.1997, after the absorption of the petitioner and other employees of the Municipal Corporation, Amritsar, in PSEB, exemption was granted from passing departmental accounts examination, which is as under:-

“The Punjab State Electricity Board is pleased to waived off condition of passing the Departmental Accounts Examination for Engineering subordinates of erstwhile Municipal Corporation, Amritsar, which have been absorbed in PSEB.”

5. Further, similar instructions were issued on 04.01.1999, which read as under:-

“Secretary/Estt./G-1, Patiala Office Order No.3/BEG dated 04.01.1999.

The Punjab State Electricity Board is pleased to waive off condition of passing the Departmental Accounts Examination for Engineering Officers of erstwhile Municipal Corporation, Amritsar, which have been absorbed in PSEB.”

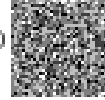
6. As such, the arguments of the learned counsel for the respondent-Corporation that the exemption was granted only for the purpose of promotion, is not found mentioned in these two aforesaid cited (supra) instructions. Further, the Division Bench of this Court in ***Parmanand (supra)***, while relying upon the judgment of the Apex Court in **Amresh Kumar Sinha & ors. Vs. The State of Bihar & ors., 2023 SCC Online SC 496** and the Full Bench of Patna High Court in **Kamlanand Thakur Vs. The State of Bihar & ors., 2025 (1) SLR 695** has



concluded that the time bound scales are not akin to promotion. These increments were granted to the Government employees to mitigate the stagnation in their careers on account of non-availability of the vacancy for the promotional post. Thus, the financial incentive is given to these employees as time bound increments. The judgment rendered in **Parmanand (supra)** is fully applicable to the facts of the present case in which the following has been observed:-

*“5. Per-contra, learned counsel for the respondents have argued that the Rules of 1998 and 2008 qua the grant of ACP Scales to the Government employees had been framed to provide succour to them in the eventuality of stagnation in their career on account of non-availability of the vacancies of the promotional posts and thus, the pre-requisite of passing the departmental test for promotion, for becoming eligible for the grant of afore-mentioned benefit, is arbitrary and unjustified. They have, further, contended that even otherwise, several similarly placed ‘Patwaris’ have already been extended the relief of ACP Scales, by granting them exemption from passing the above-said test for the post of ‘Kanungo’ and it being so, it is quite clear that learned Single Judge(s) have rightly granted the afore-claimed relief to the respondents vide the impugned judgments. To buttress their contentions, they have placed reliance upon the verdicts rendered by the Apex Court in **Union of India & Anr versus G. Rajanna & Ors, 2008(14) SCC 721 and Amresh Kumar Sinha & Ors Etc versus The State of Bihar & Ors Etc, 2023 SCC Online SC 496.***

6. Explicitly, the object of framing the Rules of 1998 as well as the Rules of 2008 was to ensure that no Government servant stagnates without any financial upgradation for more than 10 years unless he has already availed 03 financial upgradations



in his career. It goes undisputed between the parties that these Rules are applicable to the respondents. The appellants have also not disputed the factum of the completion of requisite service tenure by the respondents for grant of 2nd/3rd ACP Scales, as the case may be. The sole objection, as set-forth by the appellants to deny the above-said benefit to the respondents, is that they had not cleared/passed the departmental test/exam for the post of 'Kanungo'. However, they (appellants) have not denied the fact that some similarly placed 'Patwaris' were granted ACP Scales by exempting them from clearing/passing the departmental test.

7. *In **Amresh Kumar Sinha & Ors (supra)**, Hon'ble the Supreme Court has relied upon the observations made by the Three Judges' Bench of the Apex Court in **Union of India & Anr (supra)** and has held that "the qualification of graduation was prescribed for the promotion to the post of Accounts Officer rather than for grant of in-situ promotion on the nonfunctional post or for extending the benefit of ACP which was purely and simply in the nature of grant of monetary benefit without actually effectuating any promotion to any higher post and the appellants were to be extended the benefit of ACP".*

8. *It is worth-while to mention here that while answering the reference in **Kamlanand Thakur versus The State of Bihar and others, 2025(1) SLR 695**, the Full Bench of Patna High Court has also relied upon the afore-quoted verdict of the Apex Court and has observed as under:-*

"48. Thus, the questions stand answered as follows :-

(A.) Rule 157(3)[J] of the Bihar Board's Miscellaneous Rules, 1958, requiring passing of Departmental Accounts Examination for promotion, is not applicable in case of

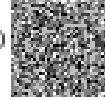


grant of A.C.P. benefits under the A.C.P. Rules, 2003;

(B.) Rule 157(3)[J] of the Bihar Board's Miscellaneous Rules, 1958 is confined to passing of preliminary examination/final examination in Accounts only for the purpose of confirmation, crossing the efficiency bar and promotion to Selection Grade only and not for regular promotion;

(C.) Rule 4(5) of the A.C.P. Rules, 2003 even though provides that the prescribed requirements and mode of sanction of financial progression under the scheme (A.C.P. scheme) shall be the same which are prescribed under the Recruitment/Service Rules for regular promotion against vacancies and if the Rules/Resolutions prescribe passing of Department Examination or any qualification for promotion, that shall also be an essential condition for sanction of benefit under the scheme will not affect the claim for grant of A.C.P. after completion of twelve/twenty four years of service for the reason that such financial progression under the A.C.P. scheme is only in situ promotion and nothing more. This is even notwithstanding any such requirement of passing any Departmental Examination or acquiring any educational qualification for promotion under the Service/ Recruitment/Promotion Rules.”

*The above-quoted observations, as made by Hon'ble Supreme Court in **Amresh Kumar Sinha & Ors (supra)** and by the Full Bench of the Patna High Court in **Kamlanand Thakur (supra)**, are fully applicable to the instant appeals and in view of these observations and also the fact that some 'Patwaris', who were similarly placed, have been exempted from passing the afore-referred exam/test and have been granted the benefit*



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of ACP Scales, it is held that the respondents-writ petitioners cannot be deprived of the benefit of ACP Scales on account of their not having cleared/passed the departmental test/exam for the post of 'Kanungo'.

7. In view of the above, the present writ petition is allowed and the impugned orders dated 28.05.2019 (Annexure P-9) and 13.01.2021 (Annexure P-12) are set aside. The respondent-Corporation is directed to refix the pension of the petitioner by adding the benefit of 16 years second time bound scale, and after calculating the arrears, pay the same to the petitioner with interest @ 6% from the date it became due till actual realization, within two months from the date of receipt of certified copy of this order.

09.04.2026
monika

[HARPREET SINGH BRAR]
JUDGE

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