



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

244

Date of Decision: 23.03.2026.

(1) CWP-29795-2022

Madan Pal @ Madan Lal and others

....Petitioners.

VERSUS

State of Haryana and others

....Respondents.

AND

(2) CWP-307-2024

Som Dutt and another

....Petitioners.

VERSUS

State of Haryana and others

....Respondents.

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Bhupinder Malik, Advocate for the petitioners.

Mr. Piyush Khanna, Additional Advocate General, Haryana.

Mr. Prateek Mahajan, Advocate and

Mr. Archit Anand, Advocate

for respondents No.2 to 4 (in CWP-29795-2022).

HARPREET SINGH BRAR, J. (Oral)

Both the above-mentioned writ petitions are being considered on the basis of the facts taken from CWP-29795-2022 for the sake of brevity, as both the petitions raise a common question of law and involve identical issues.

2. The present civil writ petition has been filed under Article 226 of the Constitution of India for issuance a writ in the nature of *certiorari* for quashing order dated 04.11.2022 (Annexure P-29), qua the petitioners, being illegal, arbitrary and in violation of the Haryana Civil Services (Assured Career Progression) Rules, 2016, dated 28.10.2016 (Annexure P-25) and Articles 14 and 16 of the Constitution of India. Further, the petitioners seek quashing of condition, imposed by the respondents in the orders Annexures P-12 to P-24, that the benefit of 1st ACP is granted to the petitioners subject to the final outcome in **SLP(C)No.031566-2018**, titled '**The State of Haryana Vs. Yogesh Tyagi and others**' pending before the Hon'ble Supreme Court, as they were regularized under Policy dated 01.10.2003 (Annexure P-1), and not under the Policy dated 18.06.2014 (Annexure P-30), which is under challenge before Hon'ble Supreme Court in the aforesaid SLP. The petitioners have also sought direction to the respondents to grant 2nd ACP to the petitioners which is due since 01.10.2019 along with arrears and interest at the rate of 12% per annum.

3. Learned counsel for the petitioners submits that the services of the petitioners have been regularized under the Regularization Policy, 2003 and thereafter the petitioners were granted the benefit of first ACP after completion of 10 years of service. However, the benefit of ACP after completion of 16 years of service has been denied to the petitioners on the ground that SLP against the judgment rendered by the Division Bench of this Court in **SLP(C)No.031566-2018**, titled '**The State of Haryana Vs. Yogesh Tyagi and others**' is pending before the Hon'ble Supreme Court.

4. Learned counsel for the petitioners further submits that the petitioners were eligible and they have not earned any such promotion. As such, they were entitled to the benefit of ACP after completion of 16 years of service. Further, the policy under which the petitioners have been regularized is not the subject matter of the writ petition in **Yogesh Tyagi's** case (supra). As such, respondent-Corporation, after granting the benefit of ACP after completion of 10 years of service, cannot deny the benefit of ACP after completion of 16 years of service. Learned counsel further relies upon the judgment of this Court in **Vinod Kumar vs. Haryana State Agriculture Marketing Board and others, CWP-2683-2023** decided on 26.02.2026, in which identical issue has been considered.

5. *Per contra*, learned counsel for respondents No.2 to 4 (in CWP-29795-2022), submits that the claim raised by petitioner No.1-Madan Pal @ Madan Lal regarding second ACP on completion of 16 years of service has already been released vide office order dated 26.05.2025 and similar order has been passed in the case of all the petitioners. A copy of order dated 26.05.2025 is taken on record as Mark 'X'. As such, the present petitions have been rendered infructuous.

6. At this stage, learned counsel for the petitioners submits that the admissible benefits of second ACP on completion of 16 years of service have been paid, however, these benefits have been given subject to the final outcome of **SLP(C)No.031566-2018** in **Yogesh Tyagi's** case (supra).

7. Having heard learned counsel for the parties and after perusing the record, it transpires that the petitioners were neither party before the Division Bench of this Court in **Yogesh Tyagi's** case (supra), nor before the

Hon'ble Apex Court. Further, the policy challenged in the said case was different from the policy under which the petitioners have been regularized. Therefore, reliance placed by the respondents on **Yogesh Tyagi's** case (supra) is misconceived and contrary to the facts of the present cases. The issue involved in the present cases has been considered by this Court in **Vinod Kumar's** case (supra), wherein it was observed as under:-

“I have heard learned counsel for the parties and perused the record with their able assistance. It transpires that the petitioner was appointed on daily wages on 01.10.1991 and was regularized on 05.08.2014 with effect from 01.10.2003 in terms of the regularization policy dated 01.10.2003 issued by the Government of Haryana. He was granted the benefit of 1st ACP with effect from 01.10.2013. The policy which was under judicial scrutiny in Yogesh Tyagi's case (supra) pertains to the year 2014 and is distinct from the policy dated 01.10.2003 under which the petitioner was regularized. Moreover, it is not disputed that another similarly situated employee, namely Sh. Krishan Lal, who retired on 31.03.2021 after the pronouncement of the judgment in Yogesh Tyagi's case (supra), was granted all retiral benefits, including pension, gratuity and leave encashment. It is also an admitted position that similarly situated employees, namely Sh. Mange Ram and Smt. Suman Lata, were granted the benefit of 2nd ACP. The respondents have failed to distinguish the case of the petitioner from that of the aforesaid employees. Further still, it is not the case of the respondents that any disciplinary proceedings or charge-sheet was pending against the petitioner at the time of his retirement so as to justify withholding of his retiral dues.”

8. In view of the above, both the petitions are disposed of with a direction to the respondents to not invoke the condition imposed vide order

dated 26.05.2025 *ibid*, which is illegal and arbitrary and not to incorporate the payment subject to the outcome of **Yogesh Tyagi**'s case (supra) in the Hon'ble Apex Court in case any undertaking is taken from the petitioners.

9. Pending application, if any, also stands disposed of accordingly.
10. Photocopy of this order be placed on the connected file.

(HARPREET SINGH BRAR)
JUDGE

23.03.2026
jitender

Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No