

For the reasons recorded, the applications are allowed. Delay of 560 days in filing the present application is condoned and on joint request of the parties, the same is taken on board for final hearing today itself.

CWP-20514 of 2017(O&M)

In the present petition, the grievance being raised by the petitioner is that the petitioner had rendered 24 years of service to the respondent-Department but he was not granted all the ACPs which were required to be granted and further that the pay of the petitioner was not fixed and at par with his colleagues namely Wazir Singh and Surjit Singh, who were also appointed as Driver along with the petitioner with the respondent-Department.

2. Upon notice of motion, the respondents have filed the reply. In the reply, the respondents have stated that prior to the modification of the ACP Scheme, the ACPs were to be given after 10, 20 and 30 years of service had been rendered by the employee, which was later on modified to be granted upon completion of 8.16 and 24 years of service in the year 2014.

3. Learned counsel for the respondent-Department submits that all the three ACPs required to be granted to an employee have already been granted to the petitioner.

4. With regard to the statement of the petitioner that the colleagues of the petitioner, who were appointed as Driver with respondent-Department along with the petitioner namely Wazir Singh and Surjit Singh were getting higher pay than the petitioner, the explanation qua the same has been given by the respondent-Department that there was a disciplinary proceeding pending against the petitioner in which the petitioner was punished and

keeping in view the punishment awarded, grant of ACP to the petitioner was delayed whereas, this was not the scenario in the case of Wazir Singh and Surjit Singh, who were granted the ACP was admissible to them on the relevant dates itself hence, Wazir Singh and Surjit Singh were getting higher pay than the petitioner.

5. I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

6. As per the Rules governing the grant of ACP to an employee, an employee can only be granted 3 ACPs in his/her entire service career. Concededly, the petitioner has already been granted the required three ACPs, which fact has not been rebutted by the learned counsel for the petitioner. Hence, claim of another ACP at this stage, is not permissible.

7. Learned counsel for the petitioner has not been able to point out that under which Law/Instructions, the 4th ACP is also to be granted to the petitioner.

8. Learned counsel for the petitioner submits that his 1st and 2nd ACP should be modified so as to treat it to be granted after 8 and 16 years of service, which benefit of ACP was granted to him after 10 and 20 years of service.

9. It may be noticed that the modification to grant the ACP after 8 and 16 years of service instead of 10 and 20 years of service came in the year 2014 whereas, prior to the said date, the benefit of 1st and 2nd ACP had already been granted to petitioner and hence no question arises for modification of grant of the ACPs, which benefit has already been granted to the petitioner upto 2014.

10. Qua the assertion of the petitioner that Wazir Singh and Surjit Singh were getting higher pay than the petitioner even though they were appointed as Driver with the respondent-Department along with the petitioner, it may be noticed that the respondent-Department has clarified the same that those employees were having good service record and were granted the benefit of ACPs on the day admissible to them whereas, the ACP which was to be granted to the petitioner was delayed during the imposition of punishment in the disciplinary proceedings initiated against him and thereby, Wazir Singh and Surjit Singh were getting higher pay than the petitioner hence, the pay of the petitioner cannot be stepped up to be made equivalent to the said employees otherwise the punishment imposed upon the petitioner will become futile, which action on the part of the respondent-Department is valid and legal.

11. The said explanation of the respondent-Department is valid hence, the claim of the petitioner that his pay should be stepped up to be made equivalent to Wazir Singh and Surjit Singh, cannot be accepted.

12. No other argument is raised.

13. No ground is made out for any interference by this Court in the facts and circumstances of the present case.

14. Present petition stands dismissed.

15. Pending application, if any, also stands disposed of.

02-05-2025
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES
Whether reportable: NO