

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

110+228

**R. A.-CW-197-2020 in/and
CWP-9982-2019 (O&M)
Decided on : 09.07.2025**

MAHESH KUMAR

..PETITIONER

Versus

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Ranjit Singh Kalra, Advocate
for the review applicant-respondents No. 2 & 3.

Mr. L. K. Gollen , Advocate
for non-applicant-petitioner.

Mr. Saurabh Girdhar, AAG, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

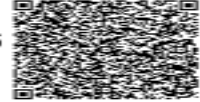
CM-9380-CWP-2025

The prayer in the present application filed by the petitioner is for placing on record his reply to the review application No. 197-CWP of 2020.

Keeping in view the averments mentioned in the application, the same is allowed. Copy of reply is taken on record subject to all just exceptions.

R. A.-197-CWP-2020

1. The review application has been filed by the review applicant/respondents No. 2 & 3 for re-calling the order dated 19.02.2020 passed by the Co-ordinate Bench of this Court by which, the non-applicant/petitioner was granted the benefit of ACP in the cadre of Stenographer Grade II by counting the service which the petitioner has rendered on the post of Stenographer Grade-II from 24.07.2000 till 14.06.2003.



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2. Learned counsel appearing on behalf of the review applicant submits that keeping in view the rules governing the service for the grant of ACP, the continuous length of 10 years in service is required, whereas, the continuous service in the cadre of Stenographer Grade II performed by the non-applicant/petitioner was only from 18.04.2004 and by counting the ten years service from the said date, the benefit of ACP was granted to the petitioner on 17.04.2014.

3. Learned counsel for the review applicant further submits that the claim which is being raised by the petitioner that the service rendered by the non-applicant/petitioner as stenographer grade II-starting from 24.07.2000 to 14.06.2003 should also be added so as to compute 10 years service rendered by the non-applicant-petitioner on the post of Stenographer Grade II is not correct as, the continuous length of 10 years in service is to be taken into account so as to adjudge whether the employee is stagnating and is eligible for the grant of ACP benefit or not.

4. Learned counsel for the non-applicant/petitioner submits that once, it is a matter of fact that the non-applicant/petitioner has worked from 24.07.2000 till 14.06.2003 as a Stenographer Grade II but was reverted back to the post of Stenographer Grade III and thereafter, again he was promoted on the post of Stenographer Grade II on 18.04.2004, the same was not due to any in action on the part of the non-applicant/petitioner hence, not counting the service rendered for the period from 24.07.2000 to 14.06.2003 in the cadre of Stenographer Grade II while counting 10 years service for the grant of benefit of ACP is incorrect and the judgment dated 19.02.2020 passed by this Court, the review of which is being sought by the respondents, is



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perfectly valid and correct and the review application may kindly be dismissed.

5. Learned counsel for the non-applicant/petitioner further submits that the scope of review is limited and the review applicants cannot be allowed to re-argue the case but can only point out the incorrect facts or ignoring of a relevant fact which was on record while rendering the judgment dated 19.02.2020 whereas, the present review application is in fact an appeal, which cannot be allowed.

6. I have heard learned counsel for the parties and have gone through the case file with their able assistance.

7. It may be noticed that the benefit of ACP is granted to compensate the employees bearing stagnation in a particular cadre and as per the Haryana Civil Services (Assured Career Progression) Rules, 2008, 10 years service is required for the grant of benefit of ACP.

8. The provision of 10 years regular satisfactory service has also been defined in the 2008 Rules, which means that continuous service which is counted towards seniority. The said note is as under :-

“Note.— For the purpose of these rules, “regular satisfactory service” means continuous service counting towards seniority under Haryana Government, including continuous service in Punjab Government before re-organization, commencing from the date on which the Government servant joined his service after being recruited through the prescribed procedure or rules etc. for regular recruitment, in the cadre in which he is working at the time of being considered his eligibility for grant of ACP



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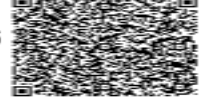
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pay band and grade pay under these rules and further fulfilling all the requirements prescribed for determining the suitability of grant of ACP pay structure. ”

9. A bare perusal of the above would show that the continuous service rendered by the employee which service will also count towards the seniority is to be taken into account for the grant of the benefit of ACP.

10. Now applying the said 2008 rule in the case of the present petitioner, it is clear that the continuous service in the cadre of Stenographer Grade III only be counted from 18.04.2004 as the seniority in the said cadre given to the non-applicant-petitioner is also from the said date hence, the claim of the petitioner that he should be granted the benefit of ACP by counting the service rendered in the cadre of Stenographer Grade II from 24.07.2000 till 14.06.2003, cannot be accepted.

11. Further, the argument of learned counsel for the petitioner that there is no incorrect fact has been noticed by the Court and therefore the review application is not permissible. It may be noticed that while adjudicating the claim, 2008 rules have been considered but the Court missed the note which has been reproduced herein above and was on record and is very relevant to be noticed and that is why the notice in the review application was issued by the same Co-ordinate Bench which had passed the order dated 19.02.2020 ,hence, it is not a case of re- argument of the petitioner but to bring to the notice of the Court the relevant part of the 2008 Rules which was applicable in the case of the petitioner, has been missed by the Co-ordinate Bench of this Court while passing the order dated 19.02.2020. Therefore, the review application filed by the review applicant is



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permissible.

12. Keeping in view the totality of facts and circumstances of the present case, the grant of benefit of the service rendered in the cadre of Stenographer Grade II from 24.07.2000 till 14.06.2003 is not permissible in the case of the petitioner as seniority to the petitioner in the said cadre has been granted from 18.04.2004 and the continuous service in the said cadre has only been rendered thereafter.

13. In view of the above, the review application is allowed and the order dated 19.02.2020 is recalled.

CWP-9982-2019

1. Keeping in view the facts and circumstances with regard to the claim of the petitioner which have already been discussed herein above while passing the order in the review application in order to avoid repetition of the same facts and law mentioned in the review petition, therefore, the same be read as a part of the decision of the main petition on merit as well. Hence, as per the 2008 Rules noted herein above, the petitioner is not eligible for the grant of ACP by counting the service rendered by the non-applicant/petitioner on the post of Stenographer Grade II from 27.07.2000 to 14.06.2003.

2. The writ petition is accordingly dismissed.

**(HARSIMRAN SINGH SETHI)
JUDGE**

09.07.2025

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