

(2006) 01 P&H CK 0056
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 17954 of 2004

Dilwar Singh

APPELLANT

Vs

Haryana Power Generation Corporation Ltd. and Others

RESPONDENT

Date of Decision : 16-01-2006

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 2 Rule 1, Order 2 Rule 3
Constitution of India, 1950 — Article 226, 227

Citation : (2006) 143 PLR 732

Hon'ble Judges : S.S. Saron, J; S.S. Nijjar, J

Bench : Division Bench

Advocate : R.C. Chatrath, for the Appellant; K.S. Malik, for the Respondent

Judgement

S.S. Saron, J.—The petitioner was appointed on work-charge basis in the Haryana State Electricity Board (HSEB" - for short) now known as Haryana Power Generation Corporation Limited, Panipat. He worked on work-charge basis for the period from 8.12.1970 to 11.10.1974 at Xen, Central Store, HSEB, Panipat Thermal Plant. The work-charge service of the petitioner was regularized and he worked on regular basis from 21.9.1981 to 30.6.2003 at Panipat Thermal Plant. He retired from service on 30.6.2003 on attaining the age of superannuation. In this petition under Article 226/227 of the Constitution of India, the grievances of the petitioner are that the work-charge service rendered by him has not been counted towards his pensionary benefits in terms of the letter dated 6.8.1993 (Annexure P.1) and clarification dated 9.8.1994 (Annexure - P.2) issued by the HSEB. It is submitted that the petitioner has not been given the benefit of the pensionary scheme in terms of the aforesaid instructions on the ground that he did not exercise the requisite option within time and in any case he may be allowed to exercise his option for the grant of pensionary benefits scheme in terms of circular dated 6.8.1993 (Annexure - P.1) which was clarified by circular dated 9.8.1994 (Annexure - P.2) even though he had not done so earlier. The other grievances of the petitioner are that the work-charge period of service rendered by him has not counted for the purpose of granting him additional

increment on completion of 8 and 18 years of service and also for granting him higher standard pay scale on completion of 10 and 20 years of service in accordance with the HSEB circular dated 12.11.2002 (Annexure P.6) which has adopted the Haryana Government circular dated 15.3.2002 (Annexure P.7). The further claim of the petitioner is for the grant of benefit of Assured Career Progression ("ACP" - for short) Scheme benefit in accordance with the circular dated 27.2.1998 (Annexure P.8) by counting his work-charge service. Consequently, a prayer has been made for quashing the order dated 18.5.2004 (Annexure P.10) passed by the Chief Engineer (O&M), Panipat Thermal Power Station (P.T.P.S.), Haryana Power Generation Corporation Limited, Panipat (respondent No. 3) whereby his representation dated 14.10.2003 for the grant of aforesaid reliefs has been rejected.

2. On notice, written statement has been filed on behalf of the respondents. It is stated that the writ petition is liable to be dismissed for misjoinder of causes of action inasmuch as the petitioner has prayed for the grant of pensionary benefits, increments after 8 and 18 years of service, higher standard pay scale after 10 and 20 years of service and the benefit of ACP after taking into consideration the period of his work-charge service. These benefits, it is stated, are based on independent instructions and, therefore, a single writ petition for these benefits is not maintainable. The petitioner was a member of the Employees Provident Fund ("EPF" - for short) Scheme and he had started deducting his contributions w.e.f. 11.10.1974. The instructions dated 6.8.1993 (Annexure P.1), it is stated, were given wide publicity and circulated in each and every office and were brought to the notice of each and every employee including the petitioner. However, the petitioner did not give his option in terms of the said circular. Another opportunity was given in terms of the subsequent instructions (Annexure P.2). However, the petitioner again did not exercise the necessary option. It is stated that the petitioner is, therefore, estopped from claiming pensionary benefits as he at the time of retirement accepted and withdrew the benefit of EPF without any protest or objection. It is further stated that the petitioner is also not entitled to the benefit of his work-charge service for additional increments on completion of 8 and 18 years of service or the benefit of higher standard pay scale after 10 and 20 years of service in terms of the Government letter dated 12.11.2002 (Annexure P.6). As regards the grant of additional increment after 8 and 18 years of service, it is stated that the instructions dated 12.11.2002 (Annexure P.6) were issued while the petitioner was in service and he has raised this claim after his retirement from service on 30.6.2003. Insofar as the grant of higher standard pay scale after 10 and 20 years of service is concerned, it is submitted that the said benefit is regulated by the HSEB instructions dated 10.5.1994, according to which higher standard pay scale is admissible to an employee who does not get promotion. The petitioner, in fact, was appointed on work-charge basis on 8.12.1970 as T-Mate and he was regularized on 22.9.1981 as Work Mistri. The latter post was designated as Helper Grade-1 on 15.1.1986 and he was promoted as Technician Grade-II w.e.f.

6.10.1988. The pay scale of Technician Grade-II on 6.10.1988 was Rs. 950-1500 and the same was revised to Rs. 1200-2040 w.e.f. 1.5.1990. As the petitioner was already getting the pay scale of Rs. 1200-2040 which is equivalent to the next higher standard pay scale in terms of the instructions dated 10.5.1994, therefore, he is not entitled to the benefit of higher standard pay scale. As regards the grant of Assured Career Progression (ACP) grade, it is submitted that the petitioner is not entitled to the benefit of work-charge service for the grant of ACP in terms of the instructions dated 27.2.1998 (Annexure - P.8). The said instructions stipulate that only regular satisfactory service is to be counted. The first ACP scale of the petitioner comes to Rs. 3050-4500 and the second ACP comes to Rs. 3050-5325. However, the petitioner was already getting the scale of Rs. 4000-6000 in January 1996 on account of revision of pay scale w.e.f. 1.1.1996 for the post of Technician Grade-II which was higher in the first ACP, therefore, the petitioner was not entitled to the benefit of ACP. As such, it is prayed that the writ petition is liable to be dismissed.

3. We have heard learned Counsel for the parties. The contention raised by the learned Counsel for the petitioner is that the circular dated 6.8.1993 (Annexure P.1) and the clarification dated 9.8.1994 (Annexure - P.2) were not got noted from the petitioner even though it is specifically provided therein that these were to be got noted. Therefore, the action of the respondents in declining the benefit of pensionary scheme on the plea that he had not opted for the same within the period of three months from the date of regularization or from the date of the issuance of the circulars Annexures P.1 and P.2 is clearly erroneous. It is further contended that the action of the respondents not to grant the benefit of 8 and 18 years of service by taking into account the work-charge service of the petitioner and non-grant of higher standard pay scale after 10 and 20 years of service is also clearly erroneous and the order dated 18.5.2004 (Annexure - P. 10) passed by respondent No. 3 in this regard is also unsustainable. It is further contended that the petitioner is also entitled to the benefits of ACP Scheme by taking into account the ad hoc service rendered by him,

4. In response, learned Counsel for the respondents has disputed the claims raised by the petitioner and stated that a joint writ petition for the various reliefs claimed is not maintainable. In any case, it is contended that the petitioner is not entitled to be brought on to the pensionary scheme as he has failed to exercise his requisite option within the stipulated period. Besides, he is also not entitled to the benefit of additional increments after 8/18 years of service as also the higher standard pay scale after 10/20 years of service. The petitioner is also not entitled to the benefit of ACP as the instructions Annexure - P.8 stipulate that only regular satisfactory service is to be counted for ACP scale whereas the petitioner was not getting regular scale before his regularization. Besides, the petitioner was already getting the scale of Rs. 4000-6000 in January, 1996 which was higher than the first ACP scale and, therefore, the petitioner is not entitled to the benefit of ACP.

5. From the pleadings of the parties and the contentions raised by the learned Counsel appearing for the respective parties it is to be noticed that the petitioner has claimed the following reliefs i.e. (i) for the grant of pensionary benefits in terms of letter dated 6.8.1993 (Annexure - P.1) and clarification dated 9.8.1994 (Annexure - P.2) issued by the HSEB; (ii) the counting of work-charge period of service rendered by the petitioner for the grant of additional increments on completion of 8 and 18 years of service; (iii) for the grant of higher standard pay scale on completion of 10 and 20 years of service in accordance with HSEB circular dated 12.11.2002 (Annexure - P.6) which has adopted the Haryana Government circular dated 15.3.2002 (Annexure - P.7) and (iv) the grant of benefit of ACP scale in accordance with the circular dated 27.2.1998 (Annexure - P.8) by counting the work-charge service. The preliminary objection of the respondent-State that a joint writ petition for these claims is not maintainable, is without any basis. In fact, the provisions of Order 2 Rule 1 of the CPC ("CPC") - for short) provide that every suit shall as far as practicable be framed so as to afford ground for final decision upon the subjects in dispute and to prevent further litigation concerning them. Moreover, Order 2 Rule 3 C.P.C. provides for joinder of causes of action. It is envisaged therein that save as otherwise provided, plaintiff may unite in the same suit several causes of action against the same defendant, or the same defendants jointly; and any plaintiffs having causes of action in which they are jointly interested against the same defendant or the same defendants jointly may unite such causes of action in the same suit. Though the provisions of the C.P.C. are not applicable to the proceedings under Article 226 of the Constitution of India, however, general principles of C.P.C. can always be applied. Therefore, the preliminary objection raised by the learned Counsel for the respondents that the petitioner cannot claim the reliefs which are based on different instructions in the same writ petition is without basis and is rejected.

6. The claim of the petitioner for the grant of pensionary benefits is based on the instructions dated 6.8.1993 (Annexure - P.1) and clarification dated 6.8.1994 (Annexure -P.2). In terms of the instructions dated 6.8.1993 (Annexure - P.1), the Haryana Government notification dated 4.2.1992 with regard to the counting of service rendered by workers in work-charge capacity towards pensionary benefit scheme was adopted subject to conditions mentioned therein which inter alia include that an employee on regularization from work-charge service to regular service is to submit an option within a period of three months from the date of regularization or from the date of issue of the circular, whichever is later as to whether he/she intends to count the period of work-charge service rendered by him/her towards pensionary benefits or intends to continue to be a member of EPF. In case the option is not given within the stipulated period of three months, it would be presumed that he/she intends to continue to be a member of E.P.F. Further, that in case an employee opts for pensionary benefits he/she is to refund the entire amount of employer's share of contribution along with interest thereon towards their E.P.F. in lump-sum for crediting to the

Board's (HSEB) account. The employee's contribution along with interest has to be deposited with the Board (HSEB) for crediting to his/her General Provident Fund ("GPF" - for short). In terms of the subsequent instructions (Annexure - P.2) certain clarifications were given on points that had been raised. One of the queries that was clarified was with regard to the time limit of three months fixed by the Board for submitting the option which expired on 5.11.1993 and there was a demand for extension of time limit for exercising the option. It was clarified that a period of three months from the date of issue of the clarification may be allowed to the employees to exercise their option for availing the pensionary benefits to those who could not avail this opportunity earlier. In both the circulars dated 6.8.1993 (Annexure P.1) and 9.8.1994 (Annexure - P.2), it has been provided that this may be got noted from all the employees who were to acknowledge the receipt of the letter. The petitioner claims that despite the said requirement of getting the instructions noted from the employees the same were not got noted from him. The claims of the petitioner in this regard for counting of work-charge service towards pensionary benefits is dependent on the fact whether he can be brought on the pension scheme despite the fact that he has not given his option within the stipulated time as fixed in terms of the circular issued by the HSEB on 6.8.1993 (Annexure - P.1) and 9.8.1994 (Annexure P.2). This relief in fact has been granted in other cases by this Court. A Division Bench of this Court in Mahinder Singh v. Executive Engineer and Anr. 2005(4) S.C.T. 633 SC, to which one of us (S.S. Nijjar, J.) was a member, held that unless it is established that the circular issued for exercise of option was brought to the notice of the employee he cannot be denied from exercising the same in time merely because he did not do so immediately when the circular was issued. In the case of Lilu Ram v. State of Haryana C.W.P. No. 2476 of 1997, decided on 9.10.1997, a Division Bench of this Court considered the case where the employee had not given his option for adopting the pensionary scheme and had failed to comply with the conditions imposed therein that is depositing the employee's share of contribution towards G.P.F. with interest upto date of award, It was held by this Court that the respondents therein had not placed any material on record to show that the instructions issued had been got noted in writing from the petitioner in the said case. In the absence of any such material it was held that it cannot be assumed that the petitioner while in service knew about the contents of the instructions that had been issued. It was noticed that the circular in question specifically provided that; "these instructions may please be got noted from the employees and acknowledge the receipt of the letter". In Hakam Singh, Driver v. Executive Engineer, HVPNL and Anr. C.W.P. No. 12758 of 2000, decided on 29.5.2002 a Division Bench of this Court directed the respondents to allow the petitioners therein to avail the benefit of pensionary scheme as there was no proof that they were ever served on the basis of instructions regarding switching over to the pensionary scheme. In Darshan Singh v. Chief Accounts Officer C.W.P. No. 2402 of 1997, decided on 27.8.1997 a Division Bench of this Court allowed the writ petition for computation of the service rendered by the petitioner therein towards retiral benefits. The claim of

the petitioner was resisted as he had not exercised his option to claim the benefit of service towards pension. It was, however, held that the amount deposited by the employer from the date of the appointment of the petitioner therein till his retirement along with interest shall be refunded by the petitioner. In *Ram Dia v. Uttar Haryana Bijli Vitran Nigam Ltd.* and Anr. 2005 (4) S.C.T. 387 P&H a Division Bench of this Court in a case regarding intimation to employee to opt for pension from EPF held that where there was no material to show that the circular for option was got noted in writing from the petitioner therein, it is to be inferred that the petitioner had no knowledge of the circular. Accordingly directions were issued to the authority to take the options and grant pension as per rules. In the case in hand also there is no material on record to show that the circulars dated 6.8.1993 (Annexure P.1) and 9.8.1994 (Annexure P.2) were brought to the notice of the petitioner and were got noted from him. Therefore, the declining of pension scheme to the petitioner on account of the fact that he failed to exercise his option is without basis. The petitioner would, however, be required to refund the entire amount of the employer's contribution alongwith interest thereto towards his EPF in lump sum from the date of his contribution till retirement along with interest for crediting to the Board's account. Besides, the employee's contribution alongwith interest has to be deposited with the Board for crediting to his GPF account in accordance with the circular dated 6.8.1993 (Annexure - P.1). The question whether the petitioner is entitled to count the work-charge service rendered by him towards pensionary benefits is not res-integra. A Full Bench of this Court in *Kesar Chand and Ors. v. State of Punjab and Ors.* 1988 (5) S.L.R. 25 held that work-charge service followed by regularization is to be counted towards qualifying service for the purpose of pensionary benefits. The offending rule in the Punjab Civil Services declining the counting of work-charge service towards pensionary benefits was struck down by the Full Bench. Therefore, the petitioner would evidently be entitled to count the work-charge service rendered by him from 8.12.1970 to the date of his regularization on 22.9.1981 for the purpose of grant of pensionary benefits as this service was followed by regular service rendered by him till the date of his retirement on 30.6.2003.

7. As regards the claim for counting of 8 and 18 years of service for the purpose of additional increments and 10 and 20 years of service under the scheme of higher standard pay scales, the Hon'ble Supreme Court in the case; *State of Haryana v. Ravinder Kumar* Civil Appeal No. 5740-5741 of 1997, decided on 31.10.2000 considered the case of the employees therein who had been engaged initially on work-charge basis and later on were regularized and brought in the cadre of service. It was not disputed before the Hon'ble Supreme Court that this period which the employees had rendered as work-charge service would count for the purpose of increments in the cadre as well as the qualifying service for pension. Accordingly, it was held that there was no justification in not counting their work-charge period of service for the purpose of giving additional increments on completion of 8 and 18 years of service as well as 10 and 20 years of service for getting higher standard pay scale as per government circular which

obviously were intended to avoid stagnation in a particular grade. In view of the judgment of the Supreme Court in *State of Haryana v. Ravinder Kumar* (supra), the State Government has issued detailed instructions dated 15.3.2002 (Annexure - P.7) regarding counting of adhoc and work charge service for the grant of benefit of additional increments on completion of 8 and 18 years of service and higher standard pay scale after 10 and 20 years of service. After noticing the entire history in the case and the various judicial pronouncements, the State issued instructions in view of the afore-referred Supreme Court judgment. Insofar as work-charge service is concerned, it was decided by the State Government in terms of para 7(ii) and (iii) of the aforesaid instructions dated 15.3.2002 (Annexure - P.7) as follows:

(ii) That the service rendered on work-charged basis of regular service which count for the purposes of increments in the cadre as well as qualifying service for pension, the same is to be taken into account for the purpose of calculation of prescribed length of service under the scheme of additional increments on completion of service of 8/18 years service implemented vide Government instructions dated 7.8.1992 and for grant of higher standard scale on completion of 10/20 years service under the Scheme of Higher Standard Scales introduced by the Government vide letter dated 8.2.1994 in compliance of the orders of the Hon''ble Supreme Court of India in *Ravinder Kumar*'s case:

Provided that the said benefits may be granted on notional basis on the relevant date (s) but the actual payment of arrears shall be confined to a period of 38 months prior to the issuance of these instructions. However, in case where the requisite benefit has been granted by the Hon''ble Punjab and Haryana High Court, the payment of arrears be allowed to the petitioners in such cases for a period of 38 months prior to the date of filing of civil writ petitions by them or the date of introduction of relevant scheme whichever is later. Further, in case there are specific directions by the Hon''ble Court in a given case to pay arrears for more than 38 months period, then the payments be made as per specific directions only. Other terms and conditions of the schemes shall remain unchanged.

(iii) It may please be ensured that the work charged service shall be countable towards the benefits of additional increments under the scheme introduced vide Government instructions dated 7.8.1992 and for Higher Standard Scales under the Scheme introduced vide instructions dated 8.2.1994.

8. In terms of the above instructions, the work-charge period of service is to be counted for the purpose of additional increments after 8 and 18 years of service and also for the purpose of higher standard scale on completion of 10 and 20 years of service. This, however, would be subject to the condition that the benefit is to be granted on the notional basis on the relevant dates but the actual payment of arrears is to be confined to a period of 38 months prior to the issuance of the instructions which were issued on 15.3.2002. However, in case where requisite benefits have been granted by the Court, the payment of arrears

is to be allowed in such cases for a period of 38 months prior to the filing of the civil writ petition by them or the date of introduction of the relevant scheme whichever is later. In the present case, the period of work-charge service of the petitioner is from 8.12.1970 upto the date of his regularization on 22.9.1981. Therefore, in terms of the instructions dated 15.3.2002 (Annexure - P.7) which have been adopted by the Board vide office order dated 12.11.2002 (Annexure - P.6), the service rendered on work-charge basis is to be counted for the purpose of increments in the cadre and the same is to be taken into account for the purpose of calculation of prescribed length of service under the scheme of additional increments on completion of 8/18 years of service. Therefore, the work-charge service rendered by the petitioner which is followed by regular service is to be counted for the purpose of increments on completion of 8/18 years of service. Insofar as the claim for higher standard pay scale is concerned the work-charge period of service is also to be counted for the grant of higher standard scale on completion of 10/20 years of service under the scheme of Higher Standard Scale introduced by the Government vide letter dated 8.2.1994. This benefit is sought to be denied to the petitioner on the ground that the petitioner was regularized as Work Mistri on 22.9.1981 which post was designated as Helper Grade-I on 15.1.1986. Thereafter, he was promoted as Technician Grade-II w.e.f. 6.10.1988. The pay scale of Technician Grade-II, it is submitted by the respondents, on 6.10.1988 was Rs. 950-1500 and the same was revised to Rs. 1200-2040 w.e.f. 1.5.1990. Therefore, it has been submitted that the petitioner was already getting the pay scale of Rs. 1200-2040 which is equivalent to the next Higher Standard Pay Scale. However it may be noticed that it is the period of work-charge service rendered by the petitioner which is to be counted for the grant of Higher Standard Scale on completion of 10/20 years of service. Therefore, the period of 10/20 years for the purpose of Higher Standard Pay Scale is to be counted from 8.12.1970 i.e. the date the petitioner started working on work-charge basis. As such, the subsequent revision of pay scale on the post of Technician Grade-II after completion of 10/20 years of the work-charge service of the petitioner is inconsequential. As such the petitioner is entitled to the Higher Standard Pay Scale in terms of the Government instructions dated 15.3.2002 (Annexure - P.7). The benefit of additional increments on completion of 8/18 years service and Higher Standard Pay Scale on completion of 10/20 years of service, however, is to be fixed on notional basis and actual payment according to the Government instructions dated 15.3.2002 (Annexure - P.7) shall remain confined to a period of 38 months prior to the filing of the petition which was filed on 16.11.2004.

9. The claim of the petitioner for the grant of ACP scale has been made on the basis of the instructions dated 27.2.1998 (Annexure - P.8). The objective of the said scheme has been specified to provide such of the Board employees who fall within the scope of the scheme at least two financial upgradations, including the financial upgradation, if any, availed by such HSEB employees as a consequence of the functional promotion, within the corresponding prescribed period of length

of service during his entire career, s may be specified under this scheme or by the Board from time to time within this scheme, with reference to the functional pay scale of the post on which he joined the Board service as a direct recruited fresh entrant. The objection of the respondents for the grant of ACP scale to the petitioner in terms of the instructions is that para-5 thereof provides that "regular satisfactory service" is to be counted for the purpose of grant of this benefit. The petitioner was initially appointed as Work Mistri on regular basis in the pay scale of Rs. 350-600 which was revised to Rs. 825-1300 w.e.f. 1.5.1990. In terms of the ACP scale instructions dated 27.2.1998 (Annexure P.8) the first ACP scale of the petitioner comes to Rs. 3050-4500 and the second ACP scale comes to Rs. 3050-5325. The petitioner was in fact already getting the scale of Rs. 4000-6000 in January 1996 on account of revision of pay scale w.e.f. 1.1.1996 for the purpose of post of Technician Grade-II which was higher than the first ACP scale. The petitioner has not shown as to how he is entitled to the benefit of ACP scale in view of the fact that he was already getting a scale higher than the first ACP scale. Besides, there is no challenge to the instructions dated 27.2.1998 (Annexure - P-8) which provides for grant of ACP scale only to regular satisfactory service. The Note below para-5 of the ACP Scheme (Annexure -P-8) envisages that for the purpose of this scheme "regular satisfactory service" would mean continuous service counting towards seniority under HSEB including continuous service in Punjab State Electricity Board before re-organisation commencing from the date on which the Board employee joined his service after being recruited through prescribed procedure or rules/regulations etc. for regular recruitment in the cadre in which he is working at the time considering his eligibility for the grant of ACP scales and further fulfilling all the requirements prescribed for determining suitability for the grant of ACP scales. It is also provided that the period spent on ad hoc basis; work-charged basis; contingent basis and daily wages will not be counted for the purpose of counting prescribed length of "regular satisfactory service" for this scheme. In the absence of challenge to the said instructions which provide that the work-charge service is not to be counted for "regular satisfactory service", the petitioner is not entitled to the benefit of the ACP scale after completion of 10 and 20 years, of service as he has not challenged the instructions in this regard. In respect of additional increments after 8/18 years of service and Higher Standard Pay Scale after 10/20 years of service, the Supreme Court in State of Haryana v. Revinder Kumar (supra) has held that these are to be granted by taking into account the work charge period of service. On the said basis the State Government has also issued instructions dated 15.3.2002 (Annexure - P.7). However, nothing has been shown that work-charge period of service is also to be counted for the purpose of ACP Scheme. Even otherwise the petitioner was getting the scale of Rs. 4000-6000 in January 1996 on account of pay revision w.e.f. 1.1.1996. The said scale was higher than the first ACP to which the petitioner was entitled. In the circumstances, the petitioner is not entitled to the benefit of ACP scale under the Scheme.

10. For the foregoing reasons, the writ petition is allowed to the extent that the order dated 18.5.2004 (Annexure P-10) is quashed and the petitioner insofar as the grant of pensionary benefits is concerned is held entitled to the same in accordance with the instructions dated 6.8.1993 (Annexure - P-1) and dated 9.8.1994 (Annexure - P-2), which would inter alia be subject to the condition that the petitioner does not claim the benefit of adhoc service towards provident fund and the amount deposited by the employer as contribution towards EPF from the date of payment till retirement of the petitioner alongwith interest is refunded by him in lump sum. Besides, the employee's contribution alongwith interest is also to be deposited with the Board for crediting to his GPF account in accordance with the instructions dated 6.8.1993 (Annexure - P-I). If the petitioner deposits the said amounts alongwith interest thereon upto the date within two months from the receipt of certified copy of the order and also exercises his necessary option within the said period, the respondents shall bring him on the pension scheme. Consequently, the petitioner would also be entitled to the grant of additional increment on completion of 8 and 18 years of service and also the higher standard scale on completion of 10 and 20 years of service in accordance with the instructions dated 15.3.2002 (Annexure - P-7) and the grant of the said benefits would be in terms thereof which include the grant on notional basis on the relevant dates and the actual payment of arrears shall be confined to a period of 38 months prior to the date of filing the civil writ petition which was filed on 16.11.2004. The claim of the petitioner for the grant of ACP scale is, however, dismissed. There shall be no order as to costs.