

(2014) 05 P&H CK 0218
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 9005 of 2013

Kailash Chander Mittal

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 20-05-2014

Acts Referred:

Citation : (2014) 05 P&H CK 0218

Hon'ble Judges : Augustine George Masih, J

Bench : Single Bench

Advocate : Sudhanshu Makkar, Advocate for the Appellant; Harish Rathee, Sr. DAG, Haryana, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Augustine George Masih, J.—Petitioner has approached this Court praying for issuance of a writ of mandamus granting the revised ACP Scale of Rs. 10,000-13,900 with effect from the date of his eligibility i.e. 28.11.2001 in terms of the Haryana Civil Services (Assured Career Progression) Rules, 1998 (hereinafter referred to as "1998 Rules") and for the grant of consequential benefit of ACP pay structure of Rs. 15600-39100 with grade pay of Rs. 6000 w.e.f. 01.01.2006 as per the Haryana Civil Services (Assured Career Progression) Rules, 2008.

2. Petitioner is stated to have been promoted on the post of Sub-Divisional Engineer (Mechanical) on ad-hoc basis w.e.f. 28.11.1996 in compliance of the order passed by this Court in CWP No. 283 of 1997, the date on which his junior Sh. Davinder Chaudhary was promoted to the said post. It has been stated by the respondents in para-2 of the preliminary submissions of the reply that the petitioner and Sh. Davinder Chaudhary were promoted to the post of Sub-Divisional Engineer as a stop-gap arrangement as the post, on which they were promoted, was meant for direct recruitment and there was no vacant quota post for promotees, on which the petitioner or Sh. Davinder Chaudhary could be regularly promoted.

3. As per the 1998 Rules, the requirement for the grant of benefit under the said Rules is regular satisfactory service. Since the petitioner did not fulfil the requirement of the Statutory Rules governing the claim, as has been made by the petitioner, the benefit, as claimed by the petitioner in the present writ petition, cannot be accepted.
4. The writ petition being devoid of merits deserves dismissal.
5. Ordered accordingly.