

(2010) 11 P&H CK 0086
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 7254 of 2010

Sita Rani

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 10-11-2010

Acts Referred:

Citation : (2010) 11 P&H CK 0086

Hon'ble Judges : Ranjit Singh, J

Bench : Single Bench

Judgement

Ranjit Singh, J.—Prayer made in the writ petition is for grant of retiral benefits after grant of ACP to the Petitioner. In the written statement, stand taken by the State is that the Petitioner had foregone the promotion and, therefore, is not entitled to grant of ACP grade. Otherwise, it is stated that the pension of the Petitioner has been re-fixed as per Annexure R-IV.

2. Counsel for the Petitioner has drawn my attention to Division Bench judgments by this Court Annexures P-7 and P-8, whereby the issue in regard to denial of ACP on account of person having foregone the promotion has been settled. It is held that refusal to avail promotion would not entail the consequences of forfeiture of proficiency step up or Assured Career Progression. Against this judgment, the State had filed SLP, which is also dismissed. Even the review of the petition was filed before the Hon''ble Supreme Court which is also dismissed. That being the legal position, the Petitioner would be entitled to grant of ACP and re-fixation of his pension by taking this aspect into consideration.

3. The present writ petition is, accordingly, disposed of with the direction to the Respondents to consider the claim of the Petitioner for grant of ACP in the light of law laid down by this Court and upheld by the Hon''ble Supreme Court. The pension of the Petitioner shall also had to be refixed after refixing his pay.

4. The Petitioner may make a representation in regard to his claim for grant of Prabhakar scale as made in the petition. The same shall be considered in

accordance with law and appropriate order passed thereon. If the Petitioner left with any grievance, she would be at liberty to take any legal remedy available to her. Let this exercise be done within a period of six months from the date of receipt of copy of this order.