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E-Filing Details		
E- Filing ∳ ımber	97225	
E- Filing Date	05/04/2018 10:52:27	
Parties	HARISH CHANDER V/S UHBVN AND ORS.	
E-Filed By	K. L. DHINGRA	
Case Type	CWP	

Note: Soft Copy a morel copy San

20.12

IN THE PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH

Civil Writ Petition No. 295

of 2018

Harish Chander

....Fetitioner

Versus

UHBWN and others.

... Respondents

INDEX

Sr.N	No. Particulars	Date(s)	Page(s)	Court fee
ı.	List of Events	04-4-18	i-ii	00.00
2.	Civil Writ Petition	04-4-I8	I- IO	50.00
3.	Affidavit	04-4-I8	11	00.00
4.	Annexures			
	P/I(PPO)	6-4-16	12-13	0I-30
	P/2 (DCRG)	04-4-16	14	00.70
	P/3(commutation)	04-4-16	15	00.70
	P/4(Judgment FB)	16-5-97	16-21	03.00
	P/5(Judgment DB)	29-7-2004	22	03.00
	P/6 (Judgment)	24-4-2009	23-24	03.00
	P/7(EB entry)	24-8-04	25	00.70
	P/8(S. B. entry ACP)	28-6-2010	26-27	0 I. 7 0
	P/9(Promotion as LM)	18-6-09	28-29	01-30
	P/IO(ACP Rules)	27-2-2009	30-46	12.00
	P/11(Modified ACP	04-3-14	47-48	01-30
	P/I2(representation)	06-4-17	49	00.70
	P/I3(representation)	22-2-18	50	00.70
5.	Power of Attorney	01-04-18	51	03.00
- , - ,	Total amount	of Court fee a	ffixed: /	83 -10

Notes: I. Main law points involved in this petition are contained in para No. 11 page 7 of the petition. /

- 2. Statute: i) Constitution of India.
 - ii) Art. I4 and I6 of the Constitution.
 - ii) Rule I3 of the ACP rules (Annexure P-IO)

K

continued....

- iii) Caveat if filed: Not received any.
- iv) Any other similar case: NIL

However the case is squarely covered by
Full Bench Judgment in the case of 'R.S.Randhawa
Versus State of Punjab (Annexure P-4) read with
Judgment innthe case of Hans Raj Versus UHBVN
(Annexure P/5 and case in CWP No. 4097 of
2008 D/d on 24-4-2009 (Annexure P-6) and Rule
I3 of the ACP rules.

Chandigarh

04-04-2018

(K.L.Dhingra)

Advocate Counsel for the Petitioner.

P/845/9I.

Note: Sout and grand Copy Some

C.W.P.No. 875 of 2018

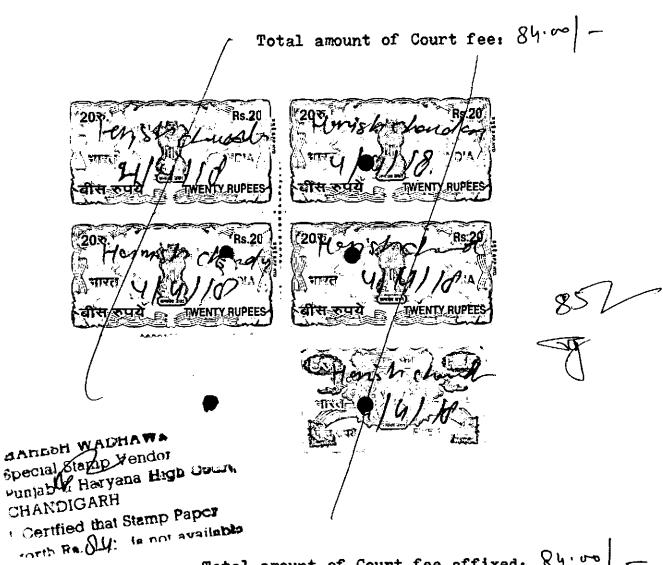
Harish Chander

....Petitioner

Versus

UHBVN and others.

....Respondents



Chandigarh

04-04-2018

Total amount of Court fee affixed: 84.00 -

Advocate Counsel for the Petitioner

Covered case:

P-4, P-5

Relief being claimed by the petitioner is covered by Full Bench Judgment in the case of 'R.S.Randhawa Versus State of Punjab' read with D.B.Judgment 'Hans Raj Sharma Versus UHBVN and ors.

31-5-2015

Petitioner retired as Lineman from the office of Xen S/U Division, UHBVN, Panipat with very good service record. No charge sheet or enquiry was pending against hi.

April, 2016

His PPO has been issued vide dt. 6-4-16 and DCRG orders are dated 4-4-16 and

commutation orders are also 4-4-16 amount

and Pension paid to the petitioner later.

Delay caused in disbursement of Pension

and retiral benefits amounting to Rs. 914745 /- is 12 months and further

Rs.47719/- has been withheld out of DCRG

without any notice or charge-sheet and

petitioner is entitled to release of

withheld amount with interest and release

of interest at the rate of I2% on all

delayed payments in view of Full Bench

Judgment "R.S.Randhawa Versus State of

Punjab D/d on I6-5-97(P-4) read with

D.B.Judgment 'Hans Raj Sharma Versus UHBVN D/d on 29-7-2004 (Annexure P-7) and another

Judgment in CWP No. 4097/2008 D/d on

24-4-2009(Annexure P-6).

That Petitioner was in the Pay band of Rs.5200-20200 as ALM with 3200 as Ist ACP and was promoted as LM in the same Pay band 5200-202000 and grade pay 2400

P-4

ACP

1

causing loss to the petitioner and in such circumstances in view of ACP Pule I3 of the Rules of UHBVN 27-2-2009 the petitioner is entitled to 2nd ACP of Rs.3300/-modified as 3600/- in place of 3200/-he was drawing as ALM. Modified pay sacles of dated ACP dated 4-3-2014 are Annexure P/11.

 \parallel

Prayer:

Hence the petitioner is entitled to the benefit of Interest @ 12% p.a. on delayed disbursement of Pension and other retiral benefits and also for the release of withheld amount of Rs.47719/-with interest and modified 2nd ACP of Rs.3600/-in place of 3200/- in the interest of justice.

Chandigarh

04-04-20 I8

(K.L.Dhingra)

Advocate

Counsel for the Petitioner. P/845/9I.

IN THE PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH

CIVIL WRIT PETITION NO. 8758 OF 2018

Harish Chander, LM(retired) Age 6I years S/O Shri Lachman Dass Office of Xen, Sub-Urban Divn. UHBVN, Panipat R/O H.No. 642, Mohalla Kalan, Sonepat District Sonepat (Haryana State).

....Petitioner

Versus

- I. Uttar Haryana Bijli Vitran Nigam , Shakti Bhawan, Sector-6, Panchkula through its' Managing Director.
- The Sr. Accounts Officer/Pension-cum-Manager
 UHBVN, Employees Pension Trust, Shakti Bhawan
 Sector-6, Panchkula.
- 3. The Superintending Engineer (OP) Circle, UHBVN Panipat District Panipat (Haryana).
- 4. The Executive Engineer, Sub-Urban Division
 UHBVN, Panipat District Panipat (Haryana).

Chandigarh

04-04-20I8

(K.L.Dhingra)

Advocate Counsel for the Petitioner.

P/845/9I

CIVIL WRIT PETITION UNDER ARTICLES 226/227

of the constitution of India for the issuance of
a writ in the nature of:

- A. Certiorari thereby quashing order dated 4-4-16

 (Annexure P-2) to the extent of withholding of amount of Rs.47719/- without any notice, charge-sheet or holding the petitioner responsible in an enquiry;
- B. mandamus thereby directing the respondents that Interest @ I2 p.a. may kindly be granted to the petitioner on delayed payment of Pension, Pension arrears, DCRG, commutation etc. as the amount of about 9I4745/-has been delayed by I2 months from the date of retirement and further the amount of Rs.477I9/-out of DCRG has been withheld withaout any notice or charge-sheet or holding the petitioner responsible and I2% interest be released on all the delayed payments in view of Full Bench Judgment dated I6-5-97(R.S.Randhawa Versus State of Funjab and others);

AND FURTHER

writ in the nature of mandamus thereby directing the respondents to grant 2nd ACP of Rs. 3600/-modified) to the petitioner in view of Rule I3 of the ACP rules (Anne ure P-I0) read with modified ACP dated 4-3-20I4 (Annexure P-II) in the interest of justice.

Respectfully showeth

I. That the petitioner is a permanent resident of Sonepat District Sonepat and also retired as LM while posted as Lineman in Haryana and therefore, being resident of Haryana and citizen of India he is entitled to invoke extra-ordinary writ jurisdiction of this Hon'ble Court by way of present Civil Writ Petition under Articles

226/227 of the Constitution of India.

P-I

- 2. That the petitioner has served the respondents from 30-6-1987 to 3L-5-2015 and has retired as superannuation on attaining the age of superannuation 58 years and earned very good service record. He retired while posted under the S.E. (OP) Circle, UHBVN Panipat District Panipat (Haryana). A copy of the Pension payment order dated 6-4-2016 is attached as Annexure P/1 for ready reference.
- 3. That The petitioner has been released his retiral benefits on the following dates whereas his Pension case was completed and got signed etc. from the petitioner on 22-I2-20I4 i.e. about 5 months peior to his retirement:-

Date of retirement: 3I-5-20I5

(i) Pension sanctioned vide		Da 3
PPO No. 11509/II-8-I5 and	Pension arrears	Delay
forwarded 6-4-2016	about I, I0,000	I2 months
	Paid after 6-4-16	
(ii) Orders 4-4-2016 DCRG	Rs.461601-00	I2 months
(iii) Commutation orders 4-4-16	Rs.343144,00	I2 months

Copy of the sanction dated 4-4-2016 is attached as Annexure P-2,P-3 P/2 and P/3 for ready reference. Payments we made much after this date.

1

P-4

P-5

P-6

P-7

4. That out of DCRG Rs. 47719/- has been withheld without any show cause notice or charge-sheet whatsoever illegally and copy of the DCRG whowing this fact is also attached as Annexure P/2 for ready reference. The Petitioner is entitled to the release of this withheld amount of 47719/- with I2% interest from the date of retirement till the date of its' release.

- at the rate of I2% p.a. on payment of Pension and other retiral benefits and also against the withheld amount to be released in view of law as laid down by this Hon'ble Court in the case of R.S.Randhawa Versus State of Punjab and others" D/d on dated I6-5-I997 copy of which is attached as Annexure P/4 for ready reference and for the release of withheld amount in view of another judgment titled as " Hans Raj Sharma Versus UHBVN D/d on dated 29th July, 2004 a copy of which is attached as Annexure P/5 and also Judgment in CWP No. 4097 of 2008 decided on 24-4-2009 copy of which is attached as Annexure P/6 for ready reference.
- 6. That in fact the petitioner, as Asstt.Lineman was in the pay scale of 4000-I00-4800-EB-I00-6000 and on reaching Efficiency Bar stage he crossed his Efficiency bar in time fixing him from 4800/- to 4900/- vide order dated 24-08-2004 and entry to this effect taken from the service book of the petitioner is P/7 for ready reference.

- ii) That further the petitioner was granted revised pay scale of Rs.5200-20200 pay band with G.P. of Rs.3200/- w.e.f. I-I-2006 and letter (Service Book entry to this effect entered on 28-6-2010 is attached as Annexure P/8 for ready reference. His pay was also fixed in the pay scale of Rs.5200-20200 as is evident from P-8 with this petition. ACP was granted Rs.3200/-.
 - iii) That the petitioner was further PROMOTED

 AS LINEMAN vide order I6-6-2009 in the pay scale of

 Rs.5200-20200 i.e. the same pay scale on which the

 Petitioner was working as ALM. Copy of the order of

 promotion as Lineman dated I6-6-2009 is attached as

 Annexure P/9 for ready reference and with the orders

 his pay fixation in the PB of 5200-20200 plus Rs.2400/
 is attached as Annexure P/9 for ready reference.
 - of ALM he was granted the same pay Band of Rs.5200-20200 with Rs.2400/-as GP whereas as ALM in the pay scale of (Pay Band) of Rs.5200-20200 he was already getting Rs.3200/-as Ist ACP i.e. total amount of more than the promotional post. In case he would have been on the feeder post of ALM he would have been granted Rs.3300/- as 2nd ACP modified as Rs.3600/-, in view of ACP rules circulated by the UHBVP vode their order dated 27-2-2009(Annexure P-IO) Rule I3(Special entitlement) of the rules which provide as under:--
 - I3. Special entitlement for ACP scales
 Where the functional pay structure of the promotional

P-8

P/9

P- IO

post in the NEK hierarchy is inferior to
the ACP pay structure entitlement of the
employee, had he not been promoted, as per
his eligibility and entitlement on completion
of prescribed length of service for the Ist,
2nd or 3rd ACP pay structure entitlement, as
the case may be, the employee shall be entitled
to be placed in the Ist or 2nd or 3rd ACP
pay structure as the case may be after completing
the prescribed period of service for being placed
in the Ist, 2nd or 3rd ACP pay structure. Provided
that such functional promotion to a post with
such inferior pay structure shall not be
counted as a functional up gradation for the
purpose of these rules.

Therefore, the petitioner is entitled to the benefit of 2nd ACP of Rs.3300/- as modified to Rs.3600/-. Instructions of the modified grade dated 4th March, 2014 are attached as P-11 Annexure P/11 for ready reference.

8. That the petitioner has submitted his representations to the respondents prior to his retirement and even after his retirement and has also visited the office of respondent No.2 on 22-2-2018 explaining the above said facts and made prayer but they have nor granted any such benefit and the poor petitioner is facing great financial loss as he was low paid class III(Group) C employee Lineman with the UHBVN and earned excellant service record throughout his service. Some of this representations are attached

as Annexure P/12 and P/I3 for ready reference.

- 9. That the petitioner is entitled to the benefit of interest on all delayed payments of Pension and other pensionary benefits, release of withheld amount of Rs.47719/- with I2% interest and further ACP 2nd of Rs. 3300/- modified as Rs.3600/- in the interest of justice and under the rules. He has passed Safty Code Test.
- IO. That action of the respondents is wholly illegal, unjust, arbitrary, discriminatory, unconstitutional, against the rulees and instructions and law as laid down by this Hon'ble Court.
- 11. That following law points are involved in this Civil Writ Petition for adjudication:
 - i) Whether the petitioner is entitled to the benefit of interest on delayed payment of Pension and all other retiral benefits from the date of his retirement till the date of payment?
 - ii) Whether the petitioner is entitled to the release of withheld amount of Rs.47719/-with interest?
 - iii) Whether the petitioner is entitled to the benefit of 2nd ACP of Rs.3300/-modified as 3600/-?
 - iv) Whether action of the respondents is illegal, unjust, arbitrary, void, discriminatory, against the rules, instructions and judgments of this Hon'ble Court?

- v) Whether grave manifest injustice has been caused to the petitioner?
- 12. That the petitioner has no other remedy of appeal or revision against the impunged action/order of the respondents except to approach this Hon'ble Court by way of present Civil Writ Petition.
- I3. That the petitioner has not filed any such or similar Civil Writ Petition in this Hon'ble Court or in the Hon'ble Supreme Court of India on this cause of action.

It is, therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to call for records of this case from the respondents and on kind perusal of the same be kindly pleased to issue:-

quashing order dated 04-04-2016 to the extent of withholding amount of Rs.47719/-out of DCRG of the petitioner and release the amount with I2% interest in view of D.B.Judgment dated 29-7-2004 (Annexure P-5) and another judgment of this Hon'ble Court in CWP No.4097 of 2008 dated 24.4.2009 (Annexure P-6).

AND FURTHER

writ in the nature of mandamus to kindly grant interest at the rate of I2% to the petitioner on delayed payment of Pension, pension arrears DCRG, commutation etc. which has been delayed by about I2 months from the date of retirement and also to release amount of Rs.47719/-withheld

out of DCRG with I2% interest in view of law as laid down by this Hon'ble Court in the case of 'R.S.Randhawa Versus State of Punjab'D/d on I6-5-I997 (Annexure P-4) in the interest of justice;

AND FURTHER

mandamus thereby directing the respondents to kindly release to the petitioner 2nd ACP of Rs.3300 modified as 3600 in view of Rule I3 of the ACP rules circulated vide order of UHBVN No.124/FA/HQ/F&B/12-A dated 27-02-2009.

- to issue any other appropriate writ, order or direction as deemed fit and proper in the facts and circumstances of the case in the interest of justice;
- iii) to kindly exempt the petitioner from service of advance notice of this Civil Writ Petition to the respondents:
- iv) to kindly exempt the petitioner from filing of certified copies of the Annexures P/I to P/I3 appended with this Civil Writ Petition as the certified copies of these Annexures are not readily available with the petitioner and further to kindly exempt the petitioner

from filing of certified copies and allow the petitioner to place with the petition photo-stat copies of Annexures P/I to P/6 P/IO and P/II being Pension Payment orders, DCRG, judgments, instructions and rules of the Nigam in the interest of justice;

- v) to kindly grant any other benefit to the poor petitioner as is deemed fit and proper in the case;
- vi) to kindly allow this petition with Costs.

Chandigarh

Petitioner

Harish Chander)

04-04-2018

(K.L. Dhingra) Advocate

Counsel for the Petitioner.
Verification: Verified that the contents of para No. I to
IO, I2, I3 of the petition are true and correct to my knowledge
para No. 11 are true and correct on the advice of my counsel
being legal. Nothing has been kept concealed and nothing has
been misstated therein.

Chandigarh 04-04-2018 Petitioner
Hawkh Chardes

Harish Chander)

IN THE PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH

AFFIDAVIT in CWP No. 8755 of 2018

Harish Chander

Versus

UHB VN and others.

Affidavit of Harish Chander Age 61 years S/O Sh. Lachman Dass R/O H.No.642, Mohalla Kalan, Sonepat.

I, the above named deponent do hereby solemnly affirm and state as under:-

- I. That the petitioner is filing the present CWP seeking justice.
- That the contents of para No. I to 10,12,I3 of the petition are true and correct to my knowledge and para No. 11 are true and correct on the advice of my counsel. Nothing has been kept concealed and nothing has been misstated therein.

That nothing has been kept concealed and nothing has been misstated therein.

Chandigarh

04-04-2018

Harish Chander
Deponent

Verification:

Verified that the contents of my above

Affidavit from para No. I to page No. 3 are true and correct

to my knowledge and legal submissions have been made on advice.

Nothing has been kept concealed therefrom. Facts stated therein

Chandigarh

are based on record.

04-04-2018

naaren Chandis

Harish Chander

Deponent

Anser ar PI

UTTAR HARYANA BIJLI VITRAN NIGAM

Office of the Chief Accounts Officer

Flat No. 520-524, Industrial Area Phase-2, Power Colony

Panchkula.

Regd.

To

The Xen City OP Divn.

UHB VN, Sone pat.

Memo.No. Ch- /CAO/Pension/UHBVN/Pen-I/I920 Dated:

Please find herewith PPO No. 11509 UHBVNL/
dated I4.8.20I5/4.4. I6 for payment of Pension/Family Pension
i.e. Rs.8540/-Plus DR from I-6-20I5 to onward and GPO
No. I205I UHBVN 4.4.20I6 Rs.46I601 lumpsum in favour of
Sh. Harish Chander, LM and requisite pension portion of the
pension after satisfying yourself of his/her family and
payment noted manual both the portion be made. Photos and
Specimen signatures/RTI/LTI duly attested are also sent
herewith. No family Pension be released if the widow
re-marriage.

Please acknowledge the receipt of this order. Sd/-

Sr. Accounts Officer/Pension-cum-Manager
for UHBVN Employees Pension Trust, Panchkula.

Endst.No. Ch-43/ CAO/Pension/UHBVN/Pen-11920

Dated 06-04-2016.

rue copy



UHBVN EMPLOYEES PENSION TRUST

Place for signature of pensioners on the first payment made

Months	Allocation	Amount
144	GH-28.882	3671.00
191	GH-57.140	4869.00
335	Total	8540.00

(PENSION PAYMENT ORDER DISBURSER'S PORTION / PENSIONER'S PORTION)

NAME OF PENSIONER SH/SMT pension payede to Sh. Harish Chander, LM.

Class of Pension	Residential Address	Personal Identification Mark	Date of Birth	pension and date of commencement.
Sup. Retired on 31.5.2015	S/o Sh. Lachman Dass, H.No.642, Mohalla Kalan Distt. Sonepat.	Mok be ow to left eye.	5,5,1957	Total Rs.8540/-DR
Note:	Old PPO may be treate	d as cancelled. Only	difference m	ay be paid if any

PPO No.11509/UHBVN/Dt. 14.8.2015/4.4.2016

Until FURTHER NOTICE, and on the expiration of every month be pleased pay to Sh. Harish Chander, LN the sum or is 85461-102 being the amount of Sel pensiod Limite on the production of this order and a receipt according to usual formalities be obtained. The payment should commence from 1.6.2015.

FAMILY PENSION

In the event of death of <u>Sh. Harish Chander</u>, <u>LM</u> pension is payable to Sh/Smt.<u>Prem Lata</u> from the day of following the date of death of <u>Sh. Harish Chander</u>, <u>LM</u> amounting to <u>Rs.8540/-DR upto 4.5.2022</u> thereafter <u>Rs.5124/-+DR</u> till his/her death or remarriage whichever is earlier (after obtaining the application, copy of death certificate and PS-5 from widow under intimation to this office).

Note:- The commuted value of the pension will be restored after 15 years from the date of Superannuation retirement or from the actual receipt of commuted value whichever is later.

S. Secounts Officer/ Pension-cum-Manager, for UHBVN Employees Pension Trust Panchkuta

To

The Xen City OP Divn., UHBVN, Sonepat.

CC:

(Sh. Harish Chander, LM, S/o Sh. Laghman Dass, H.No.642. Mohalla Katan Distt. Sonepat. (Personal Copy not for payment)

4/4/20164:18:00 PMDesktop///pension package

1852 (me abr)

UHBVNL EMPLOYEES PENSION TRUST

Anner or P/2



GPO No.12051/UHBVN/ Pen-11920

Dated: 4.4.2016

То

The Xen City OP Divn., UHBVN, Sonepat.

Please arrange for payment of Rs.461601/- (Rs. Four lacs sixty one thousand six hundred one only) to Sh. Harish Chander. L.M.

Date of Birth	Husband's/ Father's Namé	Personal Identification Mark	Height	Race/Cast.
5.5.1957	Sh. Lachman Dass	Mok below to left eye.		Hindu

Detail of recovery

1	he DCRG/Gratuity is deb	itable to
Months .	Allocation	Amount
144	GH-28.882	218932.00
191	GH-57.140	290388.00
335	Total	509320.00
	Withhold amount (•)	47719.00
	Nelpayable	461647.00

The acquittance of the gratuitent should be taken on the reverse of this order on revenue stamp for Re-1/-

1. He/She is being intimated to the issue of this order and has been directed to appear before you to receive payment of the gratuity order.

2. Slips bearing specimen signature/thumb impression of the gratuient are enclosed. Please acknowledge the receipt of this order.

Sr. Accounts Officer/ Pension-cum-Manager, for UHBVN Employees Pension Trust, Panchkula

Endst No /CAO/Pension/UHEVNLPen-11920 Dated:

Gepty of the above is forwarded to the following for information and necessary

1. Sh. Harish Chander, LM, S/o Sh. Lachman Dass, H.No.642, Mohalla Kalan Distt.

Sonepat. He/She should appear before above office to receive the payment and to collect PPO/GPO.

Sr.Accounts Officer/ Pension-cum-Manager, for UHBVN Employees Pension Trust, Panchkula

4/4/20164;23;48 PMDesktop///pension package

Janu am Man Add

UHBVNL Employees Pension Trust

From

The Chief Accounts Officer UHBVN. Panchkula.

To

The Xen City OP Divn, UHBVN, Sonepat.

Memo.No. CPO-9734/CAO/Pension UHBVN/Pen-I -1920

Dated: 4-4-2016

Subject: Commutation of 40% pension in respect of Sh. Harish Chander, LM.

The Xen S/U Divn.UHBVN, Panipat vide his office memo.No.Ch-4199-EP-5300 dated I8-3-20I6 has sanctioned the payment of Rs.343144(Rs. three Lacs forty three thousand one hundred forty four only) being the commuted value of Rs.34I6/-PM to Shri Harish Chander, LM retired. holder of PPO No.II590 dt. I4.8.I5/4.4.20I6. The commutation of pension become absolute w.e.f. actual date of payment and as such the retiree is entitled for the residuary pension at the rate of Rs.5124/-Plus DR per month from from the date of which the pensioner received the commuted value of pension or three months after the issue of this authority letter which ever takes place earlier.

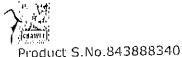
Further the amount Es. 343144/- (Rs. three lacs forty three thousands one hundred forty four only) may be disbursed to Sh. Harish Chander, LM as soon as possible and the amount be debited in account head as under:-

Months	Allocation	Amount
144	GH 28.882	147501.00
191	GH 57.140	195643.00
335	Total	343144.00

The DDO should record the details of payments made and date of restoration of commuted value of pension and put dated signatures alongwith official seal to part 'B' below.

Sd/-Sr.Accounts Officer/Pension-Manager for UHBVN Employees Pension Trust, Panchkula.





Americ Page

This judgement ranked 1 in the hitlist.

A.J. Randhawa Supdg. Engineer (Retd.) v. State of Punjab, (P&H) (FB): Law Finder Doc Id # 18382

1998(1) S.C.T. 343: 1997(3) PLR 6: 1997(2) CurLJ 460: 1997(4) SLR 617: 1997(3) LLN 447: 1997(3) RSJ 318: 1997(2) CLJ(Service) 324

PUNJAB AND HARYANA HIGH COURT

(FB)

Before :- K. Sreedharan, CJ with N.K. Sodhi and T.H.B. Chalapathi, JJ.

Civil Petition No. 2883 of 1997. D/d. 16.5.1997

A. S. Randhawa, Supdg. Engineer (Retd.) - Petitioner

Versus

State of Punjab - Respondents

For the Petitioner: - Mr. K.K. Jagia and Mr. Rahul Rathore, Advocates.

For the Respondents :- Mr. G.S. Grewal, A.G., Punjab with Mr. S.S. Shergill, Addl. A.G., Punjab.

A. Constitution of India, Article 226 - Punjab Civil Services Rules, Volume 2, Rule 9.3 - Writ - Maintainability - Delay in disbursement of pension - Interest on delayed payment is a part of right to claim pension itself - Writ petition is maintainable for claim of interest on delayed payments and other retiral benefits to which an employee is entitled under Civil Service Rules.

[Paras 16 and 17]

B. Constitution of India, Article 226 - Pension - Disbursement - Normality it would not exceed two months from the date of retirement - In case of delay employee must be compensated - Generally 12% rate of interest awarded is for the period of delay - Unless the circumstances of a particular case warrant the payment of a higher rate which may extend to even 18%.

[Para 9]

C. Constitution of India, Article 226 - Pension - Delay in disbursement - Those responsible for causing delay in payment of retiral benefits should be made personally liable for payment of interest that may have to be paid to retiring employee - Inspite of safeguards provided in the rules working of the persons responsible is indifferent - Government directed to fix responsibility of erring officials in each case and recover the amount from erring officials.

[Paras 18 and 19]

Cases referred :

Deokinandan Prasad v. State of Bihar, AIR 1971 SC 1409.

State of Punjab v. Iqbal Singh, AIR 1976 SC 667.

State of Kerala v. M. Padmanabhan, AIR 1985 SC 356.

Maha Singh Sinhmar v. State of Haryana, 1995(1) RSJ 643: 1994(4) SCT 409.

Delhi Transport Corporation v. DTC Mazdoor' Congress, 1991(1) RSJ 152: 1991(1) SCT 675.



D.K. Yadav v. J.M.A. Industries Limited, 1993(3) RSJ 696: 1993(3) SCT 537.

A.K. Kapoor v. State of Haryana, 1992(1) RSJ 469.

Moti Ram Gupta v. State of Haryana, 1993(1) RSJ 799: 1993(3) SCT 38.

Des Raj Pahwa v. State of Punjab, Civil Writ Petition 436 of 1982 decided on February 19, 1985.

R. Kapoor v. Director of Inspection, Income-Tax, 1994(6) SCC 589: 1995(1) SCT 233.

State of Punjab v. Jarnail Singh, Letters Patent Appeal 1511 of 1989 decided on November 20, 1989.

Daulat Ram Trilok Nath v. State of Punjab, 1976(78) PLR 708.

Suganmal v. State of Madhya Pradesh, AIR 1965 SC 1740.

ORDER OF REFERENCE DATED 22.11.1995

R.S. Mongia and K.K. Srivastava, JJ. - Whether a writ petition is maintained for claiming interest only on the alleged delayed payments of arrears of pay, pension etc. is the primary point which is to be decided in this writ petition. Learned counsel for the petitioner has relied on two Division Bench judgments of this Court reported as 1992(1) RSJ 469 and 1993(1) RSJ 799 apart from a judgment of a learned Single Judge in Des Raj Pahwa's case (CWP No. 436 of 1982, decided on 19.2.1985). However, we find that there are other judgments of the Division Bench of this Court in LPA No. 1511 No. 14425 of 1989, decided on March 8, 1990, in which it was specifically held that the writ petition is not maintainable for claiming interest only.

In our view, there is a direct conflict between these two sets of judgments. It is, therefore, desired that this conflict be resolved by a Larger Bench. Consequently, we admit this writ petition to Full Bench. The Hon'ble Chief Justice may consider the desirability of constituting a Full Bench as early as possible as the point is coming up for consideration quite often and is likely to arise again and again.

JUDGMENT OF THE FULL BENCH

- N.K. Sodhi, J. The common question of law that arises for determination in this bunch of nine cases is whether a writ petition is maintainable for claiming interest only on delayed payment of pension and other retiral benefits to which a retired government employee is entitled under the Civil Service Rules relating to pension and provident fund. Since arguments were addressed in CWP 2883 of 1997 facts giving arise to this petition in so far as they are relevant may briefly be noticed.
- 2. Petitioner retired from the post of Superintending Engineer on Superannuation on 29.2.1992. On the basis of his last/average pay of Rs. 6300/- per month he was entitled to a monthly pension of Rs. 3150/- and another sum of Rs. 1,00,000/- as death-cumretirement gratuity (DCRG) both of which became due on 1.3.1992. In addition to these amounts, he was further entitled to commuted value of pension (CVP) of Rs. 1,31,796/being the permissible limit of 1/3rd commutation. Although there was no impediment in the matter of determination and release of pensionary dues to the petitioner, yet on account of the usual administrative apathy the matter was shelved and it was only after the petitioner had put in lot of effort that a provisional pension was released to him on 3.9.1992. This too was paid till October, 1992 and thereafter discontinued. On the repeated representations of the petitioner the Chief Engineer, Canals took up the matter with the controlling authority and advised the latter on 5.1.1993 to continue paying the provisional pension till the regular pension was sanctioned. The Accountant General, Punjab too took another two years and issued on 12.1.1995 the necessary certificate and report on the admissibility of pension to the petitioner. A monthly pension of Rs. 3150/was sanctioned w.e.f. 1.3.1992. This certificate was followed by a 'pension payment order' which was furnished to the Treasury Officer, Patiala for necessary action. It was in the end of January, 1995 that pension as well as CVP were actually disbursed to the petitioner. DCRG was released on 27.4.1995. Since the pension and the other retiral benefits were not paid on time and there was unjustified delay in releasing the same, the petitioner served a demand notice on the respondent claiming interest @ 18% per annum on the delayed payments. The department paid no heed to this notice and therefore the present petition was filed claiming interest on the delayed payment of pension and other retrial benefits.
- 3. The Motion Bench ordered this case to the listed along with CWP 16775 of 1995 wherein also a similar claim has been made by the petitioner therein. When CWP 16775 of 1995 came up for motion hearing the Division Bench noticed a conflict between two

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sets of Division Bench Judgments of the Court one taking the view that writ petition was maintainable for claiming interest on the delayed payment of retiral benefits whereas in the other, this court took the view that such a petition was not maintainable for claiming interest only. The Bench then admitted the writ petitions to be heard by a Full Bench. This is how the matter has been placed before us for decision.

4. It is by now well settled by a catena of judgments of the Court that pension payable to a retired government servant is no longer a bounty which is payable on the sweet will and pleasure of the government. It has been held to be a valuable right which flows to such an employee by virtue of the rules which governed his employment. Reference in this regard be made to Deokinandan Prasad v. State of Bihar, AIR 1971 SC 1409 wherein their Lordships of the Supreme Court expressed this view. The learned Judges after referring to the material provisions in the pension rules further held that the grant of pension did not depend upon an order being passed by the authorities to that effect. It may be that for the purposes of qualifying the amount having regard to the period of service and other allied matters, it may become necessary for the authorities to pass an order to that effect but the right to receive pension flows to the government servant not because of the said order but by virtue of the rules which have a statutory force. The same view was expressed by the Supreme Court in State of Punjab v. Iqbal Singh, AIR 1976 SC 667 and State of Kerala v. M. Padmanabhan, AIR 1985 SC 356 the Supreme Court reiterated its earlier view and it will be of interest to quote the following observations from this judgment :-

"Pension and gratuity are no longer any bounty to be distributed by the Government to its employees on their retirement but have become, valuable rights and property in their hands and any culpable delay in settlement and disbursement thereof must be visited with the penalty of payment of interest at the current market rate till actual payment."

- 5. Thus, a right to pension has been held to be a right in property and till the Constitution (Forty Fourth Amendment) Act, 1978 was brought into force, property right was a fundamental right under Article 19(1)(f) of the Constitution. After the enforcement of the said amendment property right is no longer a part of fundamental rights and has been provided for as a constitutional right in Article 300-A and in terms thereof no person can be deprived of his property save by authority of law.
- 6. A learned Judge of this Court in <u>Maha Singh Sinhmar v. State of Haryana, 1995</u>
 (1) RSJ 643: 1994(4) SCT 409 < relying upon the observations of the Supreme Court in <u>Delhi Transport Corporation v. DTC Mazdoor' Congress, 1991(1) RSJ 152: 1991(1) SCT 675</u> and <u>D.K. Yadav v. J.M.A. Industries Limited, 1993(3) RSJ 696: 1993(3) SCT 537</u> has held that the right to life as enshrined in Article 21 of the Constitution is wide enough not only to include the right of employment as part of right to life but also the incidental right to pension.
- 7. There is, thus, no doubt and in fact it was conceded before us by the learned Advocate General appearing for the respondents that right to pension is a right to property and not a bounty to be paid on the sweet will and pleasure of the Government. It may or may not be a fundamental right but, it is definitely a constitutional right being a right to property and also a statutory right governed by the Pension Rules. It is common case of the parties that the right to receive pension by the petitioner is governed by the rules contained in the Punjab Civil Service Rules, vol. II framed under proviso to Article 309 of the Constitution. This being so, a retired government employee has, beyond doubt, a right to approach this court for the issuance of a writ of mandamus or for any other order or direction to enforce his legal right to claim pension or any other retiral benefits the disbursement of which may have been unjustifiably withheld by the State.
- 8. The duty of the State to disburse pension immediately on the retirement of an employee has a statutory recognition and it is so enjoined in Rule 9.1 of the Pension Rules (as applicable in the State of Haryana) which is in the following terms:-

"All authorities dealing with applications for pension under these rules should bear in mind that delay in the payment of pensions involves peculiar hardship. It is essential to ensure, therefore, that a Government employee begins to receive his pension on the date on which it becomes due.

NOTE: In order to prevent cause for complaint on the part of pensioner, it is most important that pension cases should always be given as high a degree of priority as is possible."

The Pension rules in Punjab also provide that lest there is any delay in disbursing pension to a retiring employee the procedure for the payment thereof and the work of preparation of pension papers should commence two years before the due date of retirement of the employee.

Page 4 of 6

Reference in this regard may be made to Rule 9.3 and other related rules contained in Chapter IX of the Punjab Civil Service Rules Vol. II as applicable in the State of Punjab.



- 9. Since a government employee on his retirement becomes immediately entitled to pension and other benefits in terms of the Pension Rules, a duty is simultaneously cast on the State to ensure the disbursement of pension and other benefits to the retirer in proper time. As to what is proper time will depend on the facts and circumstances of each case but normally it would not exceed two months from the date of retirement which time limit has been laid down by the Apex Court in M. Padmanabhan Nair's case (supra). If the State commits any default in the performance of its duty thereby denying to the retiree the benefit of the immediate use of his money, there is no gainsaying the fact that he gets a right to be compensated and, in our opinion, the only way to compensate him is to pay him interest for the period of delay on the amount as was due to him on the date of his retirement. Again, as to what should be the rate of interest, it should, in our view, be generally 12% unless the circumstances of a particular case warrant the payment of a higher rate which may extend to even 18%.
- 10. The question that now arises for our consideration is whether a retiree can approach this Court under Article 226 of the Constitution to claim interest only on the delayed payment of pension and other retiral benefits. As observed earlier, there is a duty cast on the State to disburse pension and retiral benefits immediately when they become due and it is the non- performance of this statutory duty which gives rise to the retirce to claim compensation by way of interest. This right to claim interest partakes the nature and character of the retiral benefits and is indeed a concomitant of the right to claim pension and retiral benefits and cannot be separated therefrom. This being so, a claim for interest by a pensioner cannot be equated with the claim for money simpliciter or any interest thereon arising out of contractual obligations. Moreover, in a claim of recovering pension or other retiral benefits which the State has wrongfully withheld or even when interest is claimed on these amounts, the plea of bar of limitation cannot be permitted to be raised because the State has defaulted in the performance of its duty in not paying the amount when it became due. In this view of the matter, it follows that when a retired government employee can seek his remedy by invoking the jurisdiction of this Court under Article 226 of the Constitution to claim pension and retiral benefits by the issuance of a writ of mandamus or any other order or direction, he is equally entitled to seek relief in the same way for claiming interest only on delayed payment which is an enforcement of an incident of the same right. It will, of course, be open to the State to plead and prove that there has been no delay much less culpable delay on its part in disbursing the amount so as to entitle a retired employee to any interest as claimed by him. To put it differently, if a retired government employee can show that there was delay in the payment of pension or any other retiral benefit to him, the onus would be on the State to show that it is not guilty of any culpable delay and if it is unable to discharge the onus or satisfy the court as to the reasons for the delay a direction to pay interest for the period would invariable issue.
- 11. In A.K. Kapoor v. State of Haryana, 1992(1) RSJ 469, a Division Bench of this court had an occasion to examine a similar issue as to whether the High Court in the exercise of its powers under Article 226 of the Constitution could issue a direction to the State to pay interest where the payment of retiral benefits was delayed for no justifiable reasons. The State in cases before the Division Bench had raised a preliminary objection to the effect that claim for grant of interest on delayed pensionary benefits could not be agitated in writ jurisdiction under Article 226. The repliminary objection was over-ruled and the question was answered in the affirmative with the following observations:-
 - "Even otherwise we are of the considered view that the High Court in its powers under Article 226/227 of the Constitution of India has every power to grant a discretionary relief particularly if the same flows from undisputed facts or if the defence is raised only for the purpose of raising defence and in fact, and reality it has no substance in it. Depending upon the facts of each case, if the Court comes to a conclusion that the retiral benefits were delayed for no justifiable reason whatsoever, the High Court would be well within its jurisdiction to compensate a citizen. Non-doing of the same would amount to lowering the human values which must be preserved and it is the duty of the Court to enforce the obligation of the Government to promptly pay pension and other post-retiral benefits to a retiring servant which cannot be allowed to drag any one through the much (muck?) of humiliation, we unhesitatingly, thus, reject the preliminary objection raised by the respondent-State."

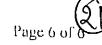
Since the Court came to the conclusion that there was no jurisdiction (justification?) in causing delay in the disbursement of the pensionary benefits, the State was directed to pay interest at the rate of 12%. In our opinion, the Division Bench correctly held that a claim for the grant of interest on delayed pensionary benefits was maintainable in a petition filed under Article 226 of the Constitution.

Page 5 of 6 🙏

Paryana and another, 1993(1) RSJ 799: 1993(3) SCT 38 following A.K. Kapoor's ase (supra). In this case, the petitioner therein was held entitled to interest @ 18% per annum. In Des Raj Pahwa v. State of Punjab, Civil Writ Petition 436 of 1982 decided on February 19, 1985, a learned Single Judge took the view that in the exercise of equitable jurisdiction of this court a direction could be issued to the State to pay interest on delayed payment of retiral benefits.

GR.

- 13. In *R. Kapoor v. Director of Inspection, Income-Tax and another,* 1994(6) SCC 589: 1995(1) SCT 233, the appellant therein retired as Director General of Income-tax on 28.2.1986. The death-cum-retirement gratuity due to him on retirement was withheld because a claim for damages for unauthorised occupation of government accommodation was pending against him. He filed a petition before the Central Administrative Tribunal which exercises powers analogous to the powers of this court under Article 226 of the Constitution, claiming that the retiral benefits could not be withheld. The claim was allowed along with interest @ 10%. Allowing the appeal as to the rate of interest, their Lordships of the Supreme Court allowed interest @ 18% and while so directing reliance was placed on the observations made in M. Padmanabhan Nair's case (supra).
- 14. We may now examine the judgments referred to in the order of reference which have taken a different view.
- 15. State of Punjab v. Jarnial Singh, Letters Patent Appeal 1511 of 1989 decided on November 20, 1989 the writ petitioners were working as Surveyors on ad hoc basis when their services were terminated. They challenged their order of termination in this court and the writ petitions were dismissed. The matter was taken in appeal to the Supreme Court which was allowed and the order terminating the services quashed and they were directed to be re- instated. In compliance with the directions of the Supreme Court the State Government re-instated the writ petitioners and also paid them back wages. Their claim for regularisation of their services was not favourably considered by the State which prompted them to file the writ petition out of which the letters patent appeal had arisen. They also made a prayer that they be allowed interest @ 12% on the arrears which had been paid to them. This claim was allowed by a learned Single Judge and in appeal the learned Judges constituting the Division Bench set aside that part of the order whereby interest was allowed to them on delayed payment of arrears of pay. The question that was considered by the learned Judges was whether a writ petition could be filed for claiming interest on back wages when no such interest was allowed while allowing the back wages but were paid as a consequence of the order of termination being set aside. It was observed that under those circumstances neither under the law nor in equity the petitioners therein were entitled to invoke the jurisdiction of this court under Article 226 of the Constitution claiming interest on the amount of back wages paid by the State itself without there being any direction in this behalf by the Supreme Court. The learned Judges noticed Des Raj Pahwa's case (supra) but distinguished it on the ground that it related to non-payment of pension and salary. Similarly, other cases in which interest had been granted on account of non- payment of pension in time were distinguished by the Judges. In our opinion, the judgment in Jarnail Singh's case (supra) is distinguishable and is no authority for the proposition that interest cannot be claimed on delayed payments of pensionary benefits in a petition filed under Article 226 of the Constitution. Moreover, in Jarnail Singh's case (supra) the claim was for interest on non-payment of salary in time which arose on account of contractual obligations. Jarnail Singh's case does not, therefore, advance the case of the respondents.
- 16. Our attention was also drawn to a Full Bench judgment of this Court in Daulat Ram Trilok Nath v. State of Punjab and others, 1976(78) PLR 708 to contend that a claim for money simpliciter cannot be made in a writ of mandamus and that the petitioner should be asked to make such a claim before a civil court. In that case, the rate of market fee was enhanced by amending Section 23 of the Punjab Agricultural Produce Markets Act and the amendment was challenged in a spate of writ petitions filed in this Court. The amending Act enhancing the rate of levy was struck down as unconstitutional. It was thereafter that the dealers of agricultural produce who had paid the enhanced market fee filed petitions in the court for the refund of unspecified sums of money which had been alleged to have been paid by them under the mistake of law or fact to the market committees. The Full Bench took the view after noticing the observations of the Apex Court in Suganmal v. State of Madhya Pradesh, AIR 1965 SC 1740 that a writ of mandamus was not competent for the purpose of obtaining the refund of money due from the State on account of its having made illegal exactions. The respondents in such a case may have appropriate defences available to them like that of limitation and it is not proper to adjudicate such matters in a petition under Article 226. This case has no bearing on the question before us. In the cases before us, the fact that there has been delay in the payment of retiral benefits is not disputed and, in our opinion, no explanation, much less a satisfactory explanation, has been furnished for the delay and since the right to claim interest on such delayed payments, as already observed earlier, is a part of the right to claim pension itself, the observations of the Full Bench in Daulat Ram Tirlok Nath's case (supra) are of no help to the respondents.



17. In the result, we answer the question posed in the earlier part of the judgment in the affirmative and hold that a writ petition is maintainable for claiming interest only on delayed payment of pension and other retiral benefits to which a retired government employee is entitled under the Civil Service Rules relating to pension and provident fund.



18. Before concluding, we are constrained to observe that it has been noticed that invariably in the matter of payment of pension and other retiral benefits to a retiring employee there have been delays and sometimes to an extent that is shocking. It must be realised by the concerned functionaries of the State at all levels that for a government servant, the only source of his subsistence after retirement is his pension and other retiral benefits and if they are not made available to him on time, he and his family are put under great mental tension making it difficult for them even to survive. Those dealing with the preparation of pension cases at different stages and with disbursement of retiral benefits must not forget that they too have to stages and with disbursement of retiral benefits must not forget that they too have to retire one day and will be looking up for the payment of those benefits and how will they feel if they are driven from pillar to post to get their dues and if hurdles are put and delay is caused in payment thereof. It is to save this harassment to the retired that the Rules require that the procedure to compute pension and retiral benefits should commence two years before the date of superannuation so that whatever be the apathy or the inefficiency of the concerned officials in working out the amounts, they will be able to complete the cases atleast in two years and pay the dues to the retirers. If in spite of these safeguards as provided in the Rules the working of the administrative officers at different levels high or low is so indifferent in the performance of their duties as enjoined on them it is but fair that those responsible for causing delays in the matter of payment of retiral benefits should be made personally liable for the payment of interest that may have to be paid to the retiring employee. The loss caused to the State exchequer by avoidable payment of interest must, therefore, be replenished by recovering the same from the erring officers/employees, the extent and proportion of which will be determined in each case by the Chief Secretary of the State.

19. In the cases before us there is no satisfactory explanation for the delay in disbursing the retiral benefits to the pensioners and they are, therefore, entitled to interest at the rate of 12% per annum for the period of delay on the amounts as paid to them. The writ petitions are accordingly allowed and the respondents directed to pay the interest as aforesaid within 3 months from the date of receipt of a copy of this order. The Chief Secretaries of the two State Governments of Punjab and Haryana are further directed to fix the responsibility of the erring officers/officials in each case pertaining to their State in regard to the delay caused in the disbursement of retiral benefits to the petitioners and recover the amount of interest from them so that there is no loss caused to the State exchequer for their default. A copy of this judgment be sent to the Chief Secretaries of the States of Punjab and Haryana for information and necessary action.

Petition allowed.

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"We have heard the petitioner in person and the learned counsel for the respondents.

The petitioner has alleged mala fide against respondent No. 4 - Dr. O.P. Chhikara We accordingly dispose of this writ petition with a direction: that the Vice Charcellor shall himself examine the petitioner's case and make such order as he deems proper in the circumstances." -

- 2. Pursuant to the aforesaid order, the petitioner was actually heard by the Vice-Chancellor. During personal hearing, the petitioner reiterated the entire cause of action as pleaded in the writ petition. The Vice-Chancellor examined the entire record and came to the conclusion that the petitioner was transferred from village Kasala to Matlauda (Panipat) as his work was not satisfactory and thereafter he has been transferred on a number of occasions on his own request to a station. near Delhi. The Vice-Chancellor has also observed that Agricultural Inspectors Fieldmen are working under the supervision of a Supervisor. The Vice-Chancellor even obtained the report from the Supervisor of the petitioner as well as from the Head of Department of Agriculture Economics, It was reported that the petitioner had been posted at the place of his choice on a number of occasions. He misbehaved with ex-Head of the Department, Scheme Incharge and Cluster Incharge. He even tried to attack him with a weapon. He was rarely available at his headquarters. A number of complaints were pending about his work and conduct which have been sent to the Head of Department. In fact, the respondents have even come to the conclusion that disciplinary action ought to be initiated against the petitioner. The petitioner has submitted that the action of the respondents is mala fide.
- 3. Undoubtedly, some reference has been made in the order passed by the Vice-Chancellor to the alleged misconduct committed by the petitioner. The same cannot, however, be said to be foundation of the order of transfer. Unless the order is founded on misconduct, it cannot be said to be actuated by malice. The order of transfer has been clearly passed in the exigencies of service.

In the light of above discussion, we find no reason to interfere. Dismissed.

Petition dismissed

PUNJAB AND HARYANA HIGH COURT

(DB)

S.S. Nijjar and Nirmal Singh, JJ.

C.W.P. No. 152 of 2004

Decided on 29th July, 2004

Hans Raj Sharma Petitioner E

Versus

Uttar Haryana Bijli Vitran Nigam Limited and others

Respondents.

For the Petitioner

Mr. Jagbir Malik, Advocate.

For the Respondents

Mr. Nevnect Singh, Advocate.

Retiral benefits - Withholding of pension to the extent of 25% - Ground that show-cause notice with regard to not handing of certain material has been issued - No charge sheet has been issued which is sine qua non for initiation of . Annem P-S

2004(4) RSJ Hans Raj Sharma vs. Uttar Haryana Bijli Vitran Nigam Ltd. 291 departmental enquiry - No justification for withholding the pension of the petitioner . Direction issued to release the remaining pension and other retiral benefits to the petitioner - The petitioner held entitled to interest @9% p.a. on the delayed release of the pension and other retiral benefits till payment.

Case referred:

AIR 1972 SC 554 (P.R. Nayak vs. Union of India)

JUDGMENT

- S.S. Nijjar, J. (Oral) In this petition under Articles 226/227 of the Constitution of India, the petitioner is seeking issuance of a writ in the nature of mandamus directing the respondents to grant 100% pension to him w.e.f. the date he retired.
- 2. It is not disputed that having completed satisfactory service, the petitioner retired on superannuation on 31.5.2002. 75% of the pension of the petitioner has been released on 25.2.2003. 25% of the pension and other retiral benefits are said to be withheld on the ground that a show-cause notice dated 7.12.1998 has been issued to the petitioner with regard to certain material which was handed over to him while he was in service. The petitioner submitted reply dated 12.12.1998. The respondents have not taken any final decision on the show cause notice. The petitioner has submitted representation dated 27.2.2003 seeking release of remaining pensionary benefits. Even the representation has not been decided till date.
- 3. Learned counsel for the petitioner submitted that the departmental enquiry will only begin with the issuance of the charge-sheet. Till date, no charge sheet has been issued. He, therefore, submits that there is no justification which would enable the respondents to withhold the pension.
- 4. Having considered the submissions made by the learned counsel for the parties, we are of the considered opinion that the claim made by the petitioner is fully justified.
- 5. It has been settled by the Supreme Court in case of P.R. Nayak vs. Union of India, AIR 1972 SC 554, that issuance of a charge-sheet is sine-quanon for initiation of departmental enquiry. Till date, no charge-sheet has been issued. There is no justification for withholding the pension of the petitioner.
- 6. In view of the above, the petition is allowed. A writ of mandamus is issued directing the respondents to release the remaining pension and other retiral benefits to the petitioner. The petitioner shall also be entitled to interest @ 9% p.a. on the delayed release of the pension and other retiral benefits till payment In other words, the petitioner shall be paid interest on 75% of the pension from the date of retirement till the amount was released on 25.2.2003 and further 9% interest on 25% of the pension from the date of retirement till payment. The petitioner shall also be paid interest on any of the unpaid amounts on account of G.P. Fund gratuity etc. Let the entire benefits alongwith interest be released to the petitioner within a period of two months from today.

Petition allowed





C.W.P. No. 4097 of 2008

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 4097 of 2008

Decided on: 24-04-2009

Subhash Chander

....Petitioner

VERSUS

Uttar Haryana Bijli Vitran Nigam Limited, Panchkula and others.

....Respondents

CORAM:-HON'BLE MR. JUSTICE SATISH KUMAR MITTAL.

Present:- Mr. K.L. Dhingra, Advocate for the petitioner.

Mr. Narender Hooda, Advocate for the respondents.

SATISH KUMA MITTAL, J (Oral).

The petitioner has retired as Junior Engineer from Uttar Haryana Bijli Vitran Nigam Limited, Panchkula, on 30.4.2004. It is the case of the petitioner that an amount of Rs.1,48,089/- was withheld from his retiral benefits on the pretext of some recoveries against him.

The detail of the recovery amount has been given in Para 3 of the written statement. It has been stated that an amount of Rs.1,35,402.70 paisa was withheld on account of shortage of missing parts and oils of damaged Distribution Transformers. Further, the amount of Rs.4000/- was withheld on account of compensation paid to the owner of buffalo, which had died due the negligence of the petitioner and for that,

-2-

an order for recovering the said amount from the petitioner was passed. It has been further, disclosed that an amount of Rs.8667/- was withheld on account of death of another buffalo and the said amount was subsequently released to the petitioner in the year 2005, as he was not held responsible for the said loss.

It has further been pointed out in the written statement that out of the amount of Rs.1,35,402.70 paisa, an amount of Rs.83990/- has already been released and the remaining amount of Rs.51412.70 paisa has been withheld. As far as the said amount is concerned, it is conceded position that the same was withheld without giving any show cause notice to the petitioner.

In view of these facts, in my opinion, as per the judgment of this Court in *Ratti Ram Vs. UHBVN and others* (CWP No. 4631 of 2008), decided on September 11, 2008, the respondent-Corporation was not justified to withhold the aforesaid amount because the shortage of the same has not been proved in any inquiry after giving an opportunity of hearing to the petitioner. Thus, this petition is disposed of with direction to the respondents to release amount of Rs.51412.70 paisa to the petitioner along with interest @ 8.5% within a period of two months from the date of receipt of copy of this order. It will be open for the respondents to recover the said amount from the petitioner after following proper rules in accordance with law.

Disposed of in above terms.

(mu con

24th April, 2009.

Monika

(SATISH KUMAR MITTAL)
JUDGE

Entry taken from page 27 service book of Shri Harish Chander S/O Sh. Lachman Dass ALM.

Ch-76/EP.478?

XEN City Divn. PNP 0/0 No. 199 Dt. 24-8-04

Sh. Harish Chander working as ALM under S/U S/Divn. Panipat is hereby allowed to cross his efficiency bar at the stage of Rs. 4000/-RM raising his pay from Rs. 4800/PM to 4900/-PM w.e.f. I-8-03 in the scale of Rs. 4000-I00-4800 EB-100-6000.

> Sd/-Exeutive Engineer City Divn. U.H.B.V.N. Panipat.

True copy taken from service Book of official.

Advocate

Entry taken from Page 49 of the Service Book of Shri Harish Chander MLM S/O Shri Lachman Dass XEN Sub-Urban Division, Panipat.

" Xen Sub-Urban Division Panipat 0.0 No.320 dated 28-6-2010.

The M.D. UHBVNL Panchkula vide Memo.No.427/FA/
HQ/WH/FI-B dated 8-I2-09 has issued the instructions regarding grant of Ist ACP grade as such officials who are on stagnation on promotion Post Sh.
Harish Chander ALM S/O Sh. Lachman Dass working in PNP S/U S/Division joined his service at Nigam on 8-9-90 as R/M and promoted as ALM on I2-8-92 and has completed IO years service as ALM 11-8-2002.

As such his Ist ACP in the grade of Rs.5200-20200 at E.P. 3200 unrevised scale is hereby sanctioned w.e.f. I-I-2006 subject to regularisation approval of same by the Competent Authority and verified by the CAO/PF/UHBVN Panchkula.

Sd/- XEN Sub-Urban Divn.
Panipat.

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Coulomed -

Entry of Pay fixation taken from service book of official Shri Harish Chander S/O Sh. Lachman Dass

1.	Existing scale of pay	Rs.4000-6000
2.	Pay Band Applicable	Rs.5200-20200
3.	Date of Option	9-3-09
4.	Existing Basic Pay as	
	on 01-01-2006	Rs. 5100-00
5.	Pay after multiplication	
	by a factor 1.86	9486/-
	(Rounded of to Rs.9490/-	
6.	Pay in the pay Band	Rs.9490/-
7.	Pay in the pay Band after	
	including benefit of bunching	
	admissible	Rs.9490/-
8.	Grade Pay attached	Pr. Ohoo/
	to the scale	Rs.2400/-
9.	Revised basic pay-total of	D- 44000/
pay in the pay band and		Rs. 11890/
	grade pay	

True depy-taken from S/Book.

Advocate

Entry taken from Page 45 of Service Book of the official Harish Chander, ALM(promoted as LM)

No. 17/FS-4 dated 16-6-09

XEN S/U Divn. UHBVN Panipat 0/0 No. 176 dated I6-6-09 and Ch I2I-E0ES-4 Dt. I8-6-09 0/No. I78 Dt. I8-6-09

In partial modification of SE(OP) Panipat O/O No. 283 dt. 9-6-09 the following Promotions, transfers and postings are hereby ordered in public insteest:/

Sr.No. Name of official	present place of posting as	promoted Remarks
	0.0 17.74	OPP. TH Aming
1. Sh. Harish Chander	offg. ALM	Offg. LM Against Vacant
S/O Lachman Dass (BC)	S/U S/Divn.	city Divn. post

The above said/named official would have continued to official as ALM but for their promotion as L.M.

Panipat.

Sd/-Executive Engineer Sub-Urban Division, UHBVN Panipat.

Panipat

I8-6-09 FN Reported arrival as L/M in compliance of SE CP Circle UHBVN Panipat 0.0 No.I-I8 Dt. I8-6-09.

Sd/-Executive Engineer, Sub Urban Division UHBVN, Panipat.

Tome Copy

Coutined -

Entry taken from Page 34 of the Service Book of Shri Harish Chander, ALM promoted as Lineman.

Office of XEM (OP)

S/U Divn. UHBVN

Panipat

LM (Offg)

4000-100-4800/EB-IOO 6000

Page 42 of Service Book

Office of Executive

Engineer

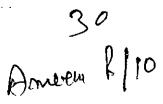
Sub-Urban Divn.

UHBVN Panipat

L/M 5200-20200

Plus 2400/-

True entry taken from service book of Harish Chander.



DATED: 27.02.2009



UTTAR HARYANA BIJLI VTRAN UHBVNL LIMITED SHAKTI BHAWAN, SECTOR 6, PANCHKULA, HARYANA

FINANCE & BUDGET SECTION

OFFICE ORDER NO. 124/FA/HQ/F&B/12-A

In exercise of the powers conferred by the proviso to article 43(14) to the Articles of Association of the Corporation, UHBVNL is pleased to prescribe the following pay rules for its officers and officials, namely:

1. Short title, commencement and objective.-

- (1) These rules may be called the UHBVNL (Assured Career Progression) Rules, 2009.
- (2) They shall be deemed to have come into force on the first day of January, 2006, unless otherwise provided by the UHBVNL for any class or category of persons.
- The objective of these rules is to provide two categories of assured career progression schemes for the UHBVNL employees the first category of scheme is cadre-specific Assured career progression schemes for some cadres/posts prescribing time scales. The second category of scheme is primarily to remove stagnation in service, in the form of a general assured career progression scheme. The second category scheme seeks to ensure that all the employees, whose cadres are not covered by any cadre-specific assured career progression scheme, get at least three financial upgradations, including financial upgradation, availed by such employees as a consequence of functional promotion during his entire career. It also seeks to ensure that no employee stagnates without any financial upgradation for more than ten years unless he has already availed three financial upgradations in his career.

2. Categories of UHBVNL employees to whom the rule apply.-

- (1) Save as otherwise provided by or under these rules, these rules shall apply to the employees and posts of group 'A', 'B', 'C' and 'D' in connection with the affairs of the UHBVNL and to those who are under the administrative control of the UHBVNL and are mentioned in the Schedule I of these rules.
- (2) These rules shall not apply to:-
 - (a) persons not in wholetime employment;
 - (b) persons paid out of contingencies;
 - (c) persons paid otherwise than on monthly basis, including those paid on a piecerate basis or on the basis of daily wages or on consolidated contractual payment;
 - (d) any other class or category of persons whom the UHBVNL may by order, specifically exclude from the operation of all or any of the provisions contained in these rules;

3. DEFINITIONS.-

In these rules, unless the context otherwise requires:-

- (a) "cadre specific Assured Career Progression Scheme" means a scheme falling within the scope of these rules and as mentioned in the Part I of Schedule I of
- (b) "CSR" means the Punjab Civil Services Rules as amended from time to time and as applicable in connection with the affairs of Government of Haryana and the UHBVNL:
- (c) "direct recruit fresh entrant" with reference to a post or an employee means the post on which such Employee was recruited as a regular and direct recruit in the UHBVNL service and is in continuous employment of UHBVNL since such recruitment:
- (d) "existing basic pay" means pay drawn in a prescribed pre-revised scale of pay as on 1.1.2006 for the post held by the person(s) as present scale of pay for such post including stagnation increments but not including any other type of pay like "special pay", "personal pay" etc.;
- (e) "existing pay scale" in relation to any post or any employee means the pre revised functional pay scale as on 01.01.2006 prescribed for the post on which such employee was recruited as a direct recruit fresh entrant;
- (f) "functional pay scale" in relation to an employee means the pay scale which is prescribed for the post held by the employee. It does not mean any other pay scale in which the employee is drawing his pay as a personal measure to him on account of either length of service or higher/additional qualification or upgradation of pay scale due to any other reason;
- (g) "first assured career progression pay band and grade pay under general ACP scheme" means the first financial upgradation in terms of increased grade pay in the same pay band for all employees covered under the general ACP scheme, as mentioned in column 4 of Part II of Schedule I with reference to the pay structure mentioned in column 3 of Part II of Schedule I;

Provided that the First Assured Career Progression pay band and grade pay may also be referred to as 1st ACP PB and GP;

- (h) "UHBVNL" means the Uttar Haryana Bijli Vitran Nigam Limited (Finance & Budget Section) save as otherwise provided by or under these rules;
- (i) "Employee" for the purposes of these rules means the person (s) appointed to the post (s) in connection with the affairs of the UHBVNL which are under the administrative control of the UHBVNL and on whom these rules apply;
- (j) "leave" means any sanctioned leave as defined in C.S.R., except "casual leave". Any type of absence without the sanction of competent authority shall not be considered as leave;
- (k) "memorandum explanatory" means the memorandum explanatory appended to these rules, briefly explaining the nature, philosophy, justification, objectives, applicability etc. of these rules;
- (I) "officiating post" means the post which is held by the employee to which he has not been confirmed or to which he has been appointed as a temporary measure

while still—retaining his lien to a different post or to which he performs the duties while another person holds a lien to such post. The employees occupying a post while still on probation is also to be considered to be holding an officiating post. Further if competent authority has appointed an employee to officiate on a vacant post on which no other UHBVNL employee holds a lien, even such appointment shall be an appointment as against an officiating post;

- (m) "present scale" in relation to any employee who falls within the scope of these rules means the pay scale in which such employee was drawing his pre revised pay on 1.1.06, if such pay scale happened to be different from the functional pay scale prescribed for the post on which such employee was working;
- (n) "pay scale as a personal measure to the employee" with reference to any Employee means any scale of pay, other than the functional scale in which such Employee is drawing his pay, including 1st ACP, 2nd ACP and 3rd ACP, as the case may be;
- (o) "persons" mean persons who are employees of UHBVNL for the purposes of these rules;
- (p) "pay" means the amount drawn monthly by an employee, in the pay scale in which he was drawing his salary before 31.12.2005;
- (q) "revised ACP pay structure" in relation to any employee means revised corresponding Assured Career Progression pay band and grade pay in which the employee is eligible or entitled to be placed as a consequence of application of these rules in place of the present scale for the purpose of drawing the pay as a personal measure to such employee;
- (r) "revised emoluments" means pay in the pay band + grade pay of an employee in the revised pay structure in which the employee has been placed for drawing his pay by or under these rules and includes the revised non-practicing allowance, if any, admissible to him in addition to the pay in the revised pay structure;
- (s) "second assured career progression pay band and grade pay under general ACP" means second financial upgradation in the form of increasing grade pay in the same pay band for all UHBVNL Empolies who are covered in the general assured career progression scheme, as mentioned in column 5 of Part II of Schedule I with reference to the grade pay mentioned in column 4 of the Part II of Schedule I. However, in case of an employee holding a post after promotion, the second ACP pay band and grade pay will be the pay band of the promotional post and the next available grade pay with reference to his existing grade pay:

Provided that the Second Assured Career Progression pay band and grade pay may also be referred to as 2rd ACP PB and GP;

- (t) "Schedule" means Schedule appended to these rules;
- (u) "substantive pay" means pay drawn by the employee on the post to which the employee has been appointed substantively or by reason of his substantive position in a cadre;
- (v) "third assured career progression pay band and grade pay under general ACP" means third financial upgradation in the form of increasing grade pay in the same pay band for all Govt servants who are covered in the general assured career progression scheme, as mentioned in column 6 of Part II of Schedule I with

reference to the grade pay mentioned in column 5 of the Part II of Schedule I. However, in case of an employee holding a post after promotion, the second ACP pay band and grade pay will be the pay band of the promotional post and the next available grade pay with reference to his existing grade pay:

Provided that the Third Assured Career Progression pay band and grade pay may also be referred to as 3π ACP PB and GP;

4. Cadre specific assured progression scheme.-

The ACP pay band and grade pay as time scales mentioned in column 5 of Part I of Schedule I to certain cadres/posts mentioned in column 2 of Part I of Schedule I shall be admissible to all employees who become members of such cadres by way of direct recruitment or promotion.

5. General Assured Career Progression scheme. -

Financial upgradation in the form of the first, the second and the third ACP pay band and grade pay as mentioned in column 4, 5 and 6 of Part II of Schedule I will be admissible to all employees covered under this scheme with reference to their pre revised functional pay scale and the corresponding revised pay structure mentioned in column 2 and 3 respectively of Part II of Schedule I of these rules. However, in case of an employee holding a post after promotion, the entitled ACP pay band and grade pay will be the pay band of the promotional post and the next available grade pay with reference to his existing grade pay.

6. Eligibility for grant of cadre specific ACP pay band and grade pay.-

For the grant of cadre specific ACP pay band and grade pay the eligibility conditions will be the same as mentioned in Part I of Schedule I of these rules, apart from the general conditions of eligibility given in rule 8 hereunder.

7. Eligibility for Grant of ACP grade Pay under the general ACP scheme. -

- (1) Every employee covered under the general ACP scheme shall, for the Purposes of drawl of pay, be eligible for the first ACP grade pay (given in column 4 of Part II of Schedule I in respect of the functional pay scale or pay structure of his post) if he has completed 10 years of regular satisfactory service and has not got any financial up gradation in these ten years with reference to the functional pay structure of the post to which he was recruited as a direct entrant. Financial up gradation in this context includes functional promotion in the hierarchy or further revision/ modification of the pay structure for the same post after 1.1.2006.
- (2) Every employee covered under the general ACP scheme shall, for the purposes of drawl of pay, be eligible for the second ACP grade pay (given in column 5 of Part II of Schedule I in respect of the functional pay scale or pay structure of his post) if he has completed 20 years of regular satisfactory service and has not got any financial up gradation in the last ten years. Financial up gradation in this context includes functional promotion in the hierarchy or further revision/ modification of the pay structure for the same post after 1.1,2006.

- (3) Every employee covered under the general ACP scheme shall, for the purposes of drawl of pay, be eligible for the third ACP grade pay (given in column 6 of Part II of Schedule I in respect of the functional pay scale or pay structure of his post) if he has completed 30 years of regular satisfactory service and has not got any financial up gradation in the last ten years and has not got more than two financial up gradation so far. Financial up gradation in this context includes functional promotion in the hierarchy or further revision/ modification of the pay structure for the same post after 1.1.2006.
- (4) In case of an employee who gets promoted, he will be considered for the next ACP grade pay after he completes 10 years of regular satisfactory service in the promotional post without any financial up gradation and will be entitled to the next ACP grade pay with reference to the grade pay of the promotional post he holds:

Provided that an employee shall not be entitled to avail ACP up gradation if, he has already availed of three financial up gradation of any kind in his career.

Note.
For the purpose of these rules, "regular satisfactory service" means continuous service counting towards seniority under UHBVNL, including continuous service in PSEB & HSEB before re-organization, commencing form the date on which the employee 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 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.

Explanation.- The ACP pay structure up gradation in the form of first ACP grade pay will come into play only if an employee has not got the benefit of at least one grade pay up gradation within the prescribed period of first 10 years. Similarly, the second and third ACP grade pays will come into play only if an employee does not get two up gradations after twenty years of service and three up gradations after thirty years of service. If within 10 years of service, the employee has already got at least one financial up gradation or within 20 years of service, the employee has already got at least two financial up gradations, or within 30 years of service, the employee has already got at least three financial up gradations, benefit of these rules will not be extended to such employees save if otherwise provided in these rules.

8. Other general conditions of eligibilities of ACP pay structure :-

The following general conditions shall also be fulfilled by an employee for availing benefit of ACP:-

- (a) after completing the respective prescribed period for eligibility for the grant of ACP pay structure the employee should be fit to be promoted to the next higher post in the functional hierarchy in his cadre, but could not be functionally promoted due to lack of vacancy in the promotional post in the hierarchy to which he is eligible to be promoted;
- (b) if such promotion involved passing of any departmental test or other test etc., such condition should also be fulfilled by such employee.

9. Responsibility to be discharged etc..

On placement in the ACP pay structure, the employee shall continue to hold operational duties of his previous post held by him and will continue to hold the previous designation till such time as he is actually promoted to the higher post on the occurrence of a vacancy.

10. Consequences of ACP pay structure etc.

Placement in the ACP pay structure will entitle only financial benefit of drawl of pay and dearness relief on pay in the ACP pay structure. The other entitlements including the entitlement generally dependent on the status of the employee shall continue to be determined with reference to his post on which he is working in the substantive capacity or to the functional pay structure of the post against which he was working substantively, before being granted the ACP pay structure.

11. Grant of Assured Career Progression grade pays.

- (1) The rule 7 and 8 only prescribe eligibility conditions for placement in the relevant ACP pay structure and does not authorize automatic placement in ACP pay structure in which employee is eligible to be placed under these rules. The authority competent to grant promotion in case of an employee shall be required to pass suitable orders for grant of ACP pay structure under these rules, authorizing the placement of an employee in the appropriate ACP pay structure. Before passing such order
 - (a) the authority competent shall ensure that if there is a Departmental Promotion Committee, such Committee should consider the cases for grant of ACP pay structure as if these were cases for determining the suitability for promotion and that its recommendations are considered in the manner as considered in case of functional promotions;
 - (b) the authority competent shall ensure that the conditions and provisions laid down in these rules or any other order/ instructions etc. issued under these rules or otherwise with this purpose, are strictly adhered to;
 - (c) the authority competent shall ensure that the number of financial up gradations granted to an employee is counted with reference to the pay scale or pay structure of the post to which the employee was inducted as a direct recruit fresh entrant. For this purpose, each promotion, each grant of ACP grade pay or any other up gradation will be counted as one upgradation. The benefit of ACP shall not be extended to an employee if he has already availed three financial up gradations in his career by way of ACP or otherwise;
 - (d) the authority competent shall also ensure compliance with the provision of these rules or any other rules or instructions issued by UHBVNL;

Explanation.- The "authority competent" for the purpose of this rule would mean the authority competent in case of promotion for the respective categories of posts.

(2) The ACP pay structure so granted shall be effective from the date it is due and not from the date on which the orders are issued by the competent authority, if the orders so issued by the competent authority has been issued on a date which is different from the due date of eligibility:

Provided that the employee shall draw his pay only after the orders for granting such pay structure are issued by the competent authority in the relevant ACP pay structure.

(3) In case of employees who are drawing pay in a pay scale other than the functional pay scale of the post held by them on or before the date of notification of these rules, there shall be no need to pass any orders under the provisions of sub-rules (1) and (2) above and they shall be entitled to draw their pay in the ACP pay structure corresponding to the pay scale in which they are drawing their pay:

Provided that this deemed grant of ACP pay structure will not affect his entitlement for revised pay structure in which he will be placed as a consequence of application of these rules. Such employees shall be placed in the appropriate revised ACP pay structure as per their eligibility under these rules for the purposes of fixation of pay as a consequence of application of these rules.

12. Admissibility of stepping up in certain cases.-

If the service rules provides for or circumstances warrant filling up of a post through direct recruitment as well as through promotion, benefit of stepping up of pay band and grade pay shall be admissible to the directly recruited senior employee if the junior promoted employee junior to him is drawing salary in higher pay band and grade pay on the basis of the benefit of ACP up gradation. However, the benefit of stepping up shall not be admissible to a promotee if he has already got three financial up gradation as provided under these rules in his service career.

13. Special entitlement for ACP scales.-

Where the functional pay structure of the promotional post in the hierarchy is inferior to the ACP pay structure entitlement of the employee, had he not been promoted, as per his eligibility and entitlement on completion of prescribed length of service for the 1st., 2nd or 3rd ACP pay structure entitlement, as the case may be, the employee shall be entitled to be placed in the 1st of 2rd or 3rd ACP pay structure as the case may be after completing the prescribed period of service for being placed in the 1st or 2nd or 3rd ACP pay structure;

Providing that such functional promotion to a post with such inferior pay structure shall not be counted as a financial up gradation for the purposes of these rules.

14. Ceasing of entitlement of ACP pay structure.-

In case the employee chooses to forego any functional promotion on any ground whatsoever, while drawing his pay in any ACP pay structure with reference to him, he shall cease to be entitled to draw his pay in the ACP pay structure last granted to him and shall draw his pay in the pay band and grade pay he was drawing before the grant of the last ACP grade pay from the date of such forgoing of promotion.

15. Scale of pay of posts.-

The pay scale for the purpose of these rules for the employee shall be as under:-

(a) The revised ACP pay structure in case of cadre specific ACP schemes shall be as mentioned in Part I of Schedule I:

(b) The revised pay structure in case of General ACP scheme shall be as specified in Part II of Schedule I:

Provided that in case of the posts for which the functional pay scales have been revised before pay revision through the UHBVNL (Revised Pay) Rules, 2009, the so revised scales shall be considered as the functional scales of those posts for the purpose of this rule.

16. Drawl of pay in revised ACP structure.-

(1) Save as otherwise provided in these rules, an employee shall draw pay in the revised ACP pay structure, that is in ACP-I or ACP-III, as applicable in his case:

Provided that an Employee may elect to continue to draw pay in the present pay scale until the date on which he earns his next or any subsequent increment in the existing pay scale or until he vacates his post or ceases to draw pay in that pay scale:

Provided further that if the employee elects to draw his pay in the present pay scale as per the provisions of these rules, he will continue to draw his pay in the present pay scale as per the terms and conditions prescribed for drawl of pay for the present pay scale and that none of the provisions under these rules or under the UHBVNL (Revised Pay) Rules, 2009, shall be applicable to such employees till the time they opt to be governed by or are brought under either of these two rules.

EXPLANATION.- The option to retain the present scale under the proviso of this rule shall be admissible in respect of only one scale out of the present scale (s) or existing scale (s).

17. Exercise of option.-

(1) The option under the proviso to rules 16 shall be exercised in writing in the form appended to the Schedule II so as to reach the authority mentioned in sub-rule (2) within three months of the date of notification of these rules:

Provided that in the case of employee who is on the date of such publication on leave or on deputation or on foreign service, the said option shall be exercised in writing so as to reach the said authority within three months of the date of his taking charge of his post in the UHBVNL or on the expiry of the sanctioned leave, whichever is earlier:

Provided further that where an employee is under suspension on the date of publication of these rules or, as the case may be, on the date of such order the option may be exercised within three months of the date of his return to his duty.

- (2) The option shall be intimated by the employee to the Head of his office.
- (3) If the intimation regarding option is not received within the time mentioned in sub-rule (1), the employee shall be deemed to have elected to be governed by the revised ACP pay structure on and from the 1_{st} day of January, 2006.
- (4) The option once exercised shall be final.
- Note1.- Persons whose services were terminated on or after the 1st January, 2006 and who can not exercise the option within the prescribed time limit on account of death, discharge on the expiry of the sanctioned post, resignation, dismissal or removal on account of disciplinary proceeding, are entitled to the benefit of this rule:
- Note 2. Persons who have died on or after the 1st day of January, 2006, and could not exercise the option within the prescribed time limit are deemed to have opted for the revised pay structure on and from the 1st day of January, 2006, or such later date as

is most beneficial to their dependents, if the revised pay structure is more favorable and in such cases, necessary action for payment of arrears should be taken by the Head of Office.

18. Fixation of initial pay in the revised ACP pay structure.-

The initial pay of an employee who elects or is deemed to have elected under subrule (3) of rule 17 to be governed by the revised ACP pay structure on and from the 1st day of January, 2006, shall, unless in any case the Government by special order otherwise directs, be fixed in the revised ACP pay structure depending upon his eligibility in the following manner, namely:-

(A) In case of all employees covered under ACP scheme:

- (a) for employees covered under cadre specific ACP scheme -
- (i) the pay in the ACP pay band/ pay structure will be determined by multiplying the existing basic pay as on 1.1.2006 by a factor of 1.86 and rounding off the resultant figure to the next multiple of 10;
- (ii) if the minimum of the revised ACP pay band/ pay structure is more than the amount arrived at as per (i) above, the pay shall be fixed at the minimum of the revised ACP pay band/ pay structure and grade;

(b) for employees covered under general ACP scheme

- (i) in case of employees who are drawing pay in a pay scale other than the functional pay of the post held by them (ACP scale) on or before of the date of the notification of these rules, their pay shall be fixed in the functional pay band of the post held by them by multiplying the existing basic pay as on 1.1.2006 by a factor of 1.86 and rounding the resultant figure to the next multiple of 10. The grade pay corresponding to the existing ACP pay scale will be payable in addition;
- (ii) if the minimum of the revised ACP pay band/ pay structure is more than the amount arrived at as per (i) above, the pay shall be fixed at the minimum of the revised ACP pay band/ pay structure and grade pay:

Provided that:-

- where, in the fixation of pay, the pay of employees drawing pay at two or more consecutive stages in present scale gets bunched, that is to say, gets fixed in the revised ACP pay structure at the same stage in the pay band, then, for every two stages so bunched, benefit of one increment shall be given so as to avoid bunching of more than two stages in the revised running ACP pay bands. For the purpose, the increment will be calculated on the pay in the ACP pay band. Grade pay would not be taken into account for the purpose of granting increments to alleviate bunching.
- (II) in the case of pay scales in higher administrative grade (HAG) in the pay band PB-4, benefit of increments due to bunching shall be given taking into account all the stages in different pay scales in this grade.
- (III) if by stepping up of the pay as above, the pay of an employee gets fixed at a stage in the revised ACP pay band/ pay structure (where applicable) which is higher than the stage in the revised ACP pay band at which the pay of an employee who was drawing pay at the next higher stage or stages in the same present scale is fixed, the pay of the latter shall also be stepped up only to the extent by which it falls short of that of the former.

- (iii) the pay in the ACP pay band will be determined in the above manner. In addition to the pay in the ACP pay band, grade pay corresponding to the existing pay structure will be admissible.
- (B) in the case of employees who are in receipt of special pay/ allowance in addition to pay in the present scale which has been recommended for replacement by a pay band and grade pay without any special pay/ allowance, pay shall be fixed in the revised pay structure in accordance with the provisions of (A) above:
- other nomenclature in addition to pay in the present scales, such as personal pay for promoting small family norms, etc., and in whose case the same has been replaced in the revised structure with corresponding allowance/ pay at the same rate or at a different rate, the pay in the revised structure shall be fixed in accordance with the provisions of clause (A) above. In such cases, the allowance at the new rate as recommended shall be drawn in addition to pay in the revised structure of pay from the date specified in the relevant notifications related to these allowances;
- (NPA), the pay in the revised pay structure shall be fixed in accordance with the provisions of clause (A), above except that, in such cases, the pre-revised dearness allowance appropriate to the non-practising allowance (excluding dearness pay component on NPA) admissible at index average 536 (1982=100) shall be added while fixing the pay in the revised pay band;
- Note 1.- An employee who is on leave on the 1st day of January, 2006, and is entitled to leave salary shall become entitled to pay in the revised pay structure form 1.1.2006 or the date of option for the revised pay structure. Similarly, where an employee is on study leave on the first day of January, 2006, he will be entitled to the benefits under these rules from 1.1.2006 or the date of option.
- Where a post has been upgraded as indicated in column (4) of Schedule 1 Part I of these rules, the fixation of pay in the applicable pay band will be done in the manner prescribed in accordance with clause (A) (I) and (ii) of rule 18 by multiplying the existing basic pay as on 1.1.2006 by a factor of 1.86 and rounding the resultant figure to the next multiple of 10. The grade pay corresponding to the upgrade scale as indicated in column 5 of Schedule 1 Part I of these rules will be payable in
- Note 3.- In case of employee under suspension, he shall continue to draw subsistence allowance based on present scale of pay and his pay in the revised structure of pay will be subject to final order on the pending disciplinary proceedings or otherwise a final order, as the case may be.
- Note 4.- Where the 'existing emoluments' exceed the revised emoluments in the case of any Employee, the difference shall be allowed as personal pay to be absorbed in future increases in pay.
- Note 5.
 Where in the fixation of pay under sub-rule (1), the pay of an employee, who, in the present scale was drawing immediately before the 1st day of January, 2006, more pay than another employee junior to him in the same cadre, gets fixed in the revised pay band at a stage lower than that of such junior, his pay shall be stepped upto the same stage in the revised pay band as that of the junior.

Note 6.-

Where an employee is in receipt of personal pay on the 1_{st} day of January, 2006, which together with his existing emoluments exceeds the revised emoluments, then, the difference representing such excess shall be allowed to such employee as personal pay to be absorbed in future increases in pay.

Note 7.-

In case where a senior employee has moved into first, second or third ACP pay structure, as the case may be, before the 1st day of January, 2006 and draws less pay in the revised pay structure than his junior who moves into the same entitled first, second or third ACP pay structure on or after the 1st day of January, 2006, the pay in the pay band of the senior employee should be stepped up to an amount equal to the pay in the pay band as fixed for his junior in that ACP pay structure. The stepping up should be done with effect from the date on which the junior employee moved into the same ACP pay structure subject to the fulfillment of the following conditions, namely:-

- (a) Both the junior and the senior employees should belong to the same cadre and the ACP pay band in which they have been moved should be same and in the same cadre;
- (b) The present scale of pay and the revised grade pay of the lower and higher posts in which they are entitled to draw pay should be same;
- (c) The senior employee at the time he moved into the first, second or third ACP pay band, as the case may be, should have been drawing equal or more pay than the junior.

The order relating to refixation of the pay of the senior officer in accordance with the above provisions should be issued under these rules and the senior officer will be entitled to the next increment on completion of his required qualifying service with effect from the date of refixation of pay.

Note.-

The placement in the first, second or third ACP pay structure, as the case may be, does not amount to a functional promotion and therefore the presumption of higher responsibility cannot be taken in such placements in the ACP pay structure. However, still the benefit of fixation of pay corresponding to the placement in the higher pay structure as a consequence of promotion that is presuming the higher responsibility shall be extended at the stage of fixation of pay in the first, second or third ACP pay structure, as the case may be. Therefore, if the grade pay of the promotional post and the ACP pay structure in which the employee is drawing his pay prior to the promotion are identical, his pay will not again be fixed in the functional pay structure of the promotional post which is identical to the ACP pay structure in which he was drawing his pay before promotion. He will continue to draw his salary at the same stage and his date of increment will also continue to be the same as before the promotion.

19. Rate of increment in the revised ACP pay structure.-

The rate of increment in the revised ACP pay structure will be 3% of the sum of the pay band and grade pay applicable, which will be rounded off to the next multiple of 10. The amount of increment will be added to the existing pay in the pay band.

20. Date of next increment in the revised pay structure.-

There will be a uniform date of annual increment, viz. 1st July of every year. employees completing 6 months and above in the revised ACP pay structure as on 1.

of July will be eligible to be granted the Increment. The first increment after fixation of pay on 1.1.2006 in the revised ACP pay structure will be granted on 1.7.2006 for those employees for whom the date of next increment was between 1st July, 2006 to 1*January, 2007.

Provided that in the case of persons who had been drawing maximum of the present scale for more than a year as on the 1st day of January, 2006, the next increment in the revised ACP pay structure shall be allowed on the 1st day of January, 2006. Thereafter, the provision of rule 17 would apply:

Provided further that in cases where an employee reaches the maximum of his pay band, shall be placed in the next higher pay band after one year of reaching such a maximum. At the time of placement in the higher pay band, benefit of one increment will be provided. Thereafter, he will continue to move in the higher pay band till his pay in the pay band reaches the maximum of PB-4, after which no further increments will be granted.

21. Fixation of pay in the revised ACP pay structure subsequent to the 1st day of January, 2006.-

Where an Employee continues to draw his pay in the present scale and is brought over to the revised ACP pay structure from a date later than the 1st day of January, 2006, his pay from the later date in the revised ACP pay structure shall be fixed in the following manner:-

Pay in the pay band will be fixed by adding the basic pay applicable on the later date, the dearness pay applicable on that date and the pre-revised dearness allowance based on rates applicable as on 1.1.2006. This figure will be rounded off to the next multiple of 10 and will then become the pay in the applicable pay band. In addition to this, the grade pay corresponding to the pre-revised pay scale will be applicable. Where the employee is in receipt of special pay or non-practicing allowance, the methodology followed will be as prescribed in rule 18 (A), (B), (C), (D) as applicable, except that the basic pay and dearness pay to be taken into account will be the basic pay and dearness pay applicable as on that date but dearness allowance will be calculated as per rates applicable on 1.1.2006.

22. Fixation of pay on placing in ACP pay structure on or after 1.1.2006.-

(1) In the case of moving from one grade pay to another in the revised ACP pay structure, the fixation will be done as follows:-

One increment equal to 3% of the pay in the ACP pay band and the existing be computed and rounded off to the next multiple of 10. This will be added to the existing pay in the pay band. The grade pay corresponding to the immediate next higher present pay scale will thereafter be granted in addition to this pay in the ACP pay band. In cases where ACP involves change in the pay in the ACP pay band after adding the increment is less than the minimum of the higher ACP pay band to which ACP is taking place, pay in the ACP pay band will be stepped up to such minimum.

(2) On upgradation in ACP pay structure from one grade pay to another, an employee has an option under CSR to get his pay fixed in the immediate higher grade pay either from the date of his upgradation in ACP pay structure, or from date of his next increment, viz. 1st July of the years. The pay will be fixed in the following manner in the revised ACP pay structure:-'

- (i) In case the employee opts to get his pay fixed from his date of next increment, then, on the date of upgradation in ACP pay structure, pay in the pay band shall continue unchanged, but the grade pay of the higher ACP pay structure will be granted. Further re-fixation will be done on the date of his next increment i.e. 1st July. On that day, he will be granted two increments; one annual increment and the second on account of upgradation in ACP pay structure. While computing these two increments, basic pay prior to the date of upgradation in ACP pay structure shall be taken into account. To illustrate, if the basic pay prior to the date of upgradation in ACP pay structure was Rs.100, first increment would be computed on Rs.100 and the second on Rs.103.
- (ii) In case the employee opts to get his pay fixed in the higher grade from the date of his up gradation in ACP pay structure, he shall get his first increment in the higher grade on the next 1st July if he was upgraded in ACP pay structure between 2nd July and 1st January. However, if he was upgraded in ACP pay structure between 2nd January and 30th June of a particular year, he shall get his increment on 1st July of next year.

23. Mode of payment of arrears of pay.-

The arrears shall be paid in cash in two installments. The first installment should be restricted to 40% of the total arrears. The remaining 60% of arrears should be paid during the next financial year.

Explanation.- For the purposes of this rule -

- (a) "arrears of pay" in relation to an employee means the difference between:
- (i) the aggregate of the pay and allowances to which he is entitled on account of the revision of his pay and allowances under these rules, for the relevant period. Revised allowances (except for dearness allowance and non-practising allowance) will be payable only with effect from 01.01.2009.
- (ii) the aggregate of the pay and allowance to which he would have been entitled (whether such pay and allowances had been received or not) for that period had his pay and allowances not been so revised;
- (b) "relevant period" means the period commencing on the 1st day of January, 2006 and ending with the 31.12.2008.

24. Overriding effect of rules. -

The provisions of CSR or any other rules made in this regard shall not, save as otherwise provided in these rules, apply to cases where pay is regulated under these rules to the extent they are inconsistent with these rules.

25, Power of relax. -

Where the UHBVNL is satisfied that the operation of all or any of the provisions of these rules causes undue hardship in any particular case, it may, by order, dispense with or relax the requirements of that rule to such extent and subject

to conditions as it may consider necessary for dealing with the case in a just and equitable manner.

Note: -

The relaxation so granted under this rule shall be deemed to have been given depending upon the merit of such class and categories of employee and therefore, will not amount to any discrimination with other class and categories of employee.

26. Power to make addition or deletion etc.-

Where the UHBVNL is satisfied that there is a necessity to make any addition or delete any class or categories of posts or change temporarily in the Schedule to these rules, the UHBVNL will be competent to add or delete or change such conditions. The provisions of these rules will apply on such additions or deletions or changes as the UHBVNL may direct by specific orders or in the absence of that all the provisions of these rules shall apply as if the changes were made.

27. Interpretation.-

If any question arises relating to the interpretation of any of the provisions of these rules, it shall be referred to the UHBVNL (Finance Section) for decision.

28. Residuary provisions.-

In the event of any general or special circumstance which is not covered under these rules or about which certain inconsistency comes to the notice, the matter shall be referred to the UHBVNL and UHBVNL will prescribe the conditions to be followed under such circumstances. Such conditions as prescribed by the UHBVNL under this rule shall be deemed to be part of these rules. Further, if the UHBVNL is satisfied that there is a requirement to prescribe certain additional conditions under these rules, the UHBVNL shall prescribe such additional conditions and such additional conditions shall be deemed to be the part of these rules.

Couland -

Schedule	∍ [
Part-l								
(See rule	s 2(1), 3(a), 4, 6, 15	(a) and 18(D) N	ote-2)		·			
Sr. No.	Name of the	Existing		Revised Pay Structure				
	Post/Cadre	Scheme						
			Pre-	Pay Band	Pay Band	Grade Pay		
			revised		Code			
			/modified					
			pay					
			scale					
1	Asstt.	i)8000-275-	No	9300-34800	PB-2	5400		
	Engineer/Asstt.	10200-EB-	Change	(Entry level pay				
	Executive	275-13500		band)				
	Engineer	(Entry level			î			
		pay scale)						
		ii) 10000-	Ño	15600-39100	PB-3	6400		
		325-15200	Change	after 5 years of				
		after 5 years		regular				
		of regular		satisfactory		·		
		satisfactory		service as				
		service as		AE/AEE				
		AE/AEE			-1			
		iii) Rs.	No	37400-67000	PB-4	8700		
		14300-400-	Change	after 12 years				
		18300 after		of regular				
		12 years of		satisfactory				
		regular		service as		1		
		satisfactory		AE/AEE				
		segvice as						
		AE/AEE						
2	Medical Officer/	i)8000-275-	No	9300-34800	PB-2	5400		
	Sr. Medical	10200-EB-	Change	(Entry level pay				
	Officer	275-13500		band)				
		(Entry level						
		pay scale)						
		ii) 10000-	No	15600-39100	PB-3	6400		
		325-15200	Change	after 5 years of				
		after 5 years		regular	•			
	}	of regular		satisfactory				
		satisfactory		service as				
		service as		MO/Sr. MO				
	}	MO/Sr. MO						
		iii) Rs.	No	37400-67000	PB-4	8700		
		14300-400-	Change	after 12 years				
	-	18300 after		of regular				

			·	- Hofoston/	,	
		12 years of		satisfactory	-	
}		regular.		30,4100		
ļ		satisfactory		MO/Sr. MO		
ļ		service as		1		
		MO/Sr. MO			PB-2	5400
	Assistant	i) 8000-275-	No	9300-34800	PD-2	
, ,	Architect-II/I &	10200-EB-	Change	(Entry level pay		
	Architect	275-13500		band)		
'	Monte	(Entry level	1			
		pay scale)				6400
		ii) 10000-	No	15600-39100	PB-3	0400
		325-15200	Change	after 5 years of		
		after 5 years		regular		1
	}	of regular	\ ·	satisfactory		1
	\	satisfactory		service as Asst		
	1	service as		Architect-IVI-		
		Asst.		Architect		
		Architect-IVI-	· ·			
		Architect		ţ		
	}	iii) Rs	. No	37400-67000	PB-4	8700
		14300-400-	Change	after 12 year	·s	
		18300 afte	\	of regula	ar	
	,	4	1	satisfactory		
	}	12 years o	"	t	es	
		regular	Ì	Asstt. Architec	ct-	
		satisfactory	l l	II/1/Architect		
{		05, 1,00	is			
	ļ	Asstt.	}			
	}	Architect-			1	
		11/1/Archite		9300-34800) PB-2	3800
4	Junior Engine	er i) 6000-	No Chang	e (Entry level	' {	
	1	175-8450 EB-175-	Criaria	pay band)		
		9500				
		(Entry lev	el			
		pay scale		9300-3480	0 PB-2	4000
Ì	\	ii) 6500- 9900 afte	6500- er 9900	after 10		
	-	10 years		years of		
	,	regular	\	regular satisfactor	v	
İ		satisfacto		service		5000
		y service iii) Rs.	7500-	9300-3480	00 PB-2	5200
	{	6500-	1300			
	\	10500	(on comp	letio regular		
		after 20 years of		f 18 satisfacto	ry	
]		regular	years	service		
		satisfac	tor regu	lar facto		
		y servic		ervice		
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	dule I		····	<u>i.</u>					
art-		D) Note	.21			, 			
	rules 2(1), 3(a), 4, 6, 15(a) and 18(Functional Pay scale to the		ponding Pay:	Band	Revised ACP I	Pay Structu	re		
ŝr.	post as on 31.12.05 on which		ade Pay						
۱o.	"	Pay	Pay Band	Grade	First ACP	2nd ACP	3 rd ACP		
	the employee was recruited/ promoted	Band		Pay	Grade Pay	Grade Pay	Grade Pay		
	2	3	4	5	.6	7	8		
	2650-65-3300-EB-70-4000	-1S	4440-7440	1650	1800	2400	3200		
•	2750-70-3800-EB-75-4400	PB-I	5200-20200	1800	2400	3200	3300		
·•	3050-75-3950-EB-80-4590	PB-I	5200-20200	1.900	2400	3200	3300		
, 	3050-85-4325-EB-100-5325	PB-1	5200-20200	1950	2400	3200	3300		
		PB-1	5200-20200	2400	3200	3300	3600		
	4000-100-4800-EB-100-6000	·	5200-20200	2800	3200	3300	3600		
i	4500-125-6000-EB-125-7000	PB-1	5200-20200	2900	3300	3400	3700		
, 	4625-125-6000-EB-125-7250 (*)	PB-1		3200	3300	3600	4000.		
} -	5000-150-7100-EB-150-8000 (*)	PB-2	9300-34800	<u> </u>	3600	4000	4200		
)	5450-150-6950-EB-150-8000	PB-2	9300-34800	3300	<u> </u>	4200	4600		
10	5500-175-8300-EB-175-9000	PB-2	9300-34800	3600	4000		4700		
11	6000-175-8450-EB-175-9500	PB-2	9300-34800	3800	4.100	4400	<u> </u>		
12	6500-200-8500-EB-200-10500	PB-2	9300-34800	4200	4600	4800	5400		
13	6700-200-8500-EB-200-10500	PB-2	9300-34800	4300	4600	4800	5400		
14	7450-225-9025-EB-225-11500	PB-2	9300-34800	.4600	4800	5400	6000		
15	7500-250-10000-EB-250-12000	PB-2	9300-34800	4800	5400	6000	6400		
16	8000-275-10200-EB-13500	PB-2	9300-34800	5400	-6000	6400	6600		
17!	9025-325-14550	PB-3	15600-39100	5900	6300	;6500	7200		
18	10000-325-13900	PB-3	15600-39100	6000	6400	6600	7600		
19	10000-325-15200	PB-3	15600-39100	6400	6600	7600	8000		
; 20'	12750-375-16500	PB-3	15600-39100	7.600	8000	8700	8800		
21	14300-400-18300	PB-4	37400-67000	8700	8800	8900	9500		
22	14700-400-18700	PB-4	37400-67000	8800	8900	9500	9800		
23	15950-450-20000	PB-4	37400-67000	8900	9500	9800	10000		
24	18400-500-22400	PB-4	37400-67000	10000	12000	No	No		
_ '						Change	Change		
25	22400-525-24500	PB-4	37400-67000	12000	No Change	No	No		
۶۸≟	1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -			Į		Change	Change		

1. The following ACP grade pay have been modified vide this office memo no. 235/FA/HQ/F&B/UH-183 dated 10.10.2011 on the pattern of HVPN (HVPN Memo No.Ch 70/II(679)F/2008-09/Vol.II dt;20.6,2011) as under:-

Pro	revised functional	1 ⁸¹ ACP	2 nd ACP	Revised pay band	Grade pay	1 st ACP	2 nd ACP	3rd ACP
1.	3050-4350	4000-6000	5000-7850	5200-20200	1900	2400	3200	3300
-	3050-4590 4625-7250	5000-8000	5500-9000	5200-20200	2900	3300	3600	3800
2. 3.	5000-8000	5500-9000	6000-9500	9300-34800	3200	3600	3800	4000
4.	6500-9900			9300-34800	4000	4200	4600	4800

2. Ist ACP grade pay at Sr.1 above is Rs.1900 (instead of Rs1800) as clarified on the pattern of HVPN.

The Copy

America P/11

(To be substituted bearing with same No. & date)

GOVERNMENT OF HARYANA

FINANCE DEPARTMENT

No. 1/83/2008-1PR (FD)
Dated, Chandigarh the 4th March, 2014

ORDER

(made under rule 26 and rule 28 of the Haryana Civil Services (Assured Career Progression) Rules, 2008)

Subject:.

Improving further the General ACP pay structure of Haryana Government employees.

Whereas the State Government notified Haryana Civil Services (Assured Career Progression) Rules, 2008 vide notification No. G.S.R.-45/Const./Art. 309/08, dated 30th December, 2008 for providing financial upgradation to its employees in the absence of opportunity of functional promotion.

- 2. The objective of these rules was to provide two kinds of Assured Career Progression Schemes namely:
 - i) Cadre Specific Assured Career Progression Scheme for certain categories of employees/ cadres.
 - ii) General Assured Career Progression Scheme for all other group A, B, C and D employees of Haryana Government who are not covered under scheme (i).
- 3. The General Assured Career Progression Scheme provides opportunities of financial upgradation to the employees on completion of 10, 20 and 30 years of services, if they have not got promotion during previous 10 years of service.
- 4. On the persistent demand of Haryana Government employees, the matter has been further considered by the Government at length and after careful consideration, the Government has decided to modify the general ACP scheme as under:-
 - The term of 10, 20 and 30 years of service for grant of 1st, 2nd and 3rd ACP respectively has been changed to 8, 16 and 24 years. Accordingly, Rule 7 and all other relevant provisions of these rules will be deemed to have been modified to this extent.
 - ACP grade pay indicated in Column No. 4, 5 and 6 against the pre-revised & revised functional pay scale indicated in Column No. 2 & 3 of Sr. No. 1, 2, 4, 5, 6, 7, 8, 9, 10 & 11 of Schedule I, Part-II of these rules have been modified as under:-

Sr. No.	Functional Pay scale to the post as on 31.12.05 on which the Government servant was recruited/promoted	Corresponding Pay Band and Functional Grade Pay			Exi	Existing ACP Grade Pay			Modified ACP Grade Pay		
		PB No.	Pay Band	Grade Pay	151	2nd	3rd!	1 st	2nd	3rd	
	2		3		4	5	6	7	8	9	
1.	2550-55-2660- EB-60-3200	-1S	4440- 7440	1300	1650	1800	1900	. 1800	1900	2000	
2.	2610-60-3150- EB-65-3540	-15	- 4440 · 7440	1400	1650	1800	1900	1800	1900	2000	
3.	2650-65-3300- EB-70-4000	-1S	4440- 7440	1650	1800	2400	3200	1800	2400	3200	
1.	3050-75-3950- EB-80-4350	PB-1	5200- 20200	1800	2400	3200	3300	2400	3200	3600	
5.	3050-75-3950- EB-80-4590	PB-1	5200- 20200	1900	2400	3200	3300	2400	3200	3600	

SP

Sr. No.	Functional Pay scale to the post as on 31.12.05 on which the Government servant was recruited/ promoted	Cor Bane	Band and Functional Pay Pay Grade Pay				Band and Functional Pay Grade Pay					P Grade
·	·	PB No.	Pay Band	Grade Pay	1st .	2nd	3rd	151	2nd	3rd		
1	2	3		4	5	6	7	8	9			
6.	3050-85-4325- EB-100-5325	PB-I	5200- 20200	1950	2400	3200	3300	2400	3200	3600		
7.	3200-85-3880- EB-85-4900	· PB-I	5200- 20200	2000	2400	3200	3300	2400	3200	3600		
8.	4000-100-4800- EB-100-6000	PB-I	5200- 20200	2400	3200	3300	3600	3200	3600	4000		
9.	4400-100-5200- EB-100-6000	PB-1	5200- 20200	2500	3200	3300	3600	3200	3600	4000		
10.	4500-125-6000- EB-125-7000	PB-t	5200- 20200	2800	3200	3300	3600	3200	3600	4000		
11.	5000-150-7100- EB-150-7850	PB-2	9300- 34800	3200	3300	3600	4000	3600	4000	4200		

These orders shall be applicable with immediate effect i.e. w.e.f. issuance of these orders. In such cases where ACP has already been granted, the existing ACP Grade Pay shall be replaced with modified ACP Grade Pay without the benefit of increment. Other terms and conditions for grant of ACP Grade Pay and fixation of pay therein shall remain unchanged.

Dated Chandigarh the 4th March, 2014

Rajan Gupta, IAS Additional Chief Secretary to Govt. Haryana Finance Department

Endst. No. 1/83/2008-1PR (FD)

Dated: 4th March, 2014

A copy is forwarded to the following for information and further necessary action at their end:-

- All the Administrative Secretaries to Government of Haryana. 1.
- Registrar (General), the High Court of Punjab & Haryana. 2.
- ·· 3. All the Heads of Departments in Haryana.
 - All the Divisional Commissioners in Haryana.
 - All the Deputy Commissioners in Haryana 5.

All the Sub Divisional Officers (Civil) in Haryana,

Accounts Officer(PR)

for Additional Chief Secretary to Govt. Haryana

Finance Department

Endst. No. 1/83/2008-1PR (FD)

Dated: 4th March, 2014

A copy is forwarded to the following for information and necessary action please:-

Principal Accountant General (A&E/ Audit), Haryana. (i)

Home Secretary, Chandigarh Administration. (ii)

Accounts Officer(PR)

for Additional Chief Secretary to Govt. Haryana

Finance Department

INTERNAL CIRCULATIONS

- All the Officers/Dy. Secretaries/Under Secretaries/Supdts. of F.D. (ii)
- In-charge, Computer Cell (F.D.).

To

49 Annem P/12

The M.D. UHBVN, Shakti Bhawan Panchkula.

Sir.

With due respect I state that I have retired on 3I-5-20I5 and my Pension DCRG, commutation orders have been received in April. 2016 and have been released to me after one year of my retirement. Not only this but out of my gratuity an amounf Rs.47719/- is still withheld for which no reason has been given . I retired when no charge-sheet was pending against me. I have never been told as to why this amount is being withheld. So kindly release 18% interest for one year on delayed payment of pension and other retirement benefit and also kindly release withheld amount of 47719/-to me with interest. Sir, even otherwise I was granted Ist ACP of 3200 in the pay band of 5200-20200 as ALM and as LM I was granted the same pay band of 5200-20200 with 2400 as GP and in such cases Rule I3 of ACP rules 27-02-2009 provide 2nd ACP as ALM and revised 2nd ACP is 3600. So modified ACP are dated 4-3-2014 copy attached and I may kindly be granted Rs. 3600/-as 2nd ACP ALM under the rules and I shall be highly obliged for this act of kindness.

With regards,

Encls: Two

Yours faithfully.

Harish Chander LM(Retd.)

o/o Xen SU Divn. UHB VN. Panipat.

Dt: 06-04-2017

S.E.OP Circle UHBVN CC. Panipat for kind action .

Tone Copy Don Alw

To

The Sr. Accounts Officer

Pension-cum-Manager, UHBVN Employees

Pension Trust, Shakti Bhawan, Panchkula.

Sir,

With due respect It is submitted that I have sent my representations to the Xen Sahib S/U Divn. Panipat and S.E.OP Circle Panipat and also made request to the M.D. UHBVN, Panchkula for the release of interest at the rate of 18 percent per annuam on delayed payment of Pension. gratuity, commutation, pension arrears which amounts to approximately Rs. IO Lakh. The payment has been delayed by one year and issued by your good office. So kindly release interest. Moreover my 47719/-amount out of gratuity is still not released which may kindly be released to me with I8% interest. I have not received any intimation as to why this amount is not being paid to me. Further Sir, under Rule I3 of the ACP rules of UHBVN dated 27-2-2009 I am entitled to 2nd ACP of Rs. 3600 as modified ACP as modified vide the UHBVN order and Haryana Government letter 4th Warch, 2014 because as ALM I was in the Pay Band of 5200-20200 with 1st ACP of 3200 and as LM on promotion was also granted same Pay Band of 5200-20200 with GP 2400. Rule I3 provide for special entitlement for ACP as ALM which is Rs. 3600 modified which may also kindly be sanctioned and released. Copy of instructions are attached.

Encls: two

Yours faithfully

Harish Chander

Dated: 22-2-2018

LM(retired) S/O Sh. Lachman Dass

H. No. 642 Mohalla Kalan, Sonepat

CC to:

1. M.D. UHBVN. Shakti Bhawan, Panchkula for action please.



VAKALATNAMA

In re :	CWV	W	87	155	0120
Harish (Charden	•		laintiff or De	efendent
	VERSUS		-] -	etitioner or	Appellant
CLHB VOV	& other		ם ך	efendent	
			-] R	espondents	
KNOW ALL the whom these pro KL DHINGRA, Ad RO GH-818, MSC,	N. Ph& M. High	h Cul	ul p	CHD. -845/	191
m_9416565656 be the Advocate for the	DHINGRA			• • • • • • • • • • • • • • • • • • • •	in the
To act, appear, and plead in the ich the same may be tried or heard view or Revision or Execution or any To present, sign and verify, Pleasition for executions review, revision for decuments as shall be deemed notes stages. To withdraw or compromise the set shall arise touching or in any mannary To deposit, draw and receive mance of secrity and other miscellanes of things which may be necessary to be the secrit of things which may be necessary to be the secrit of things which may be necessary to be secrit of things which may be necessary to be secrit or the secrit of things which may be necessary to be secrit or the secrit of things which may be necessary to be secrit or the secrit of things which may be necessary to be secrit or the secrit of the secrit or the secret or the secrit or the secret or the secrit or the secret or the secrit or the secrit or the secret or the secret or the secrit or the secret or the secret or the	in the first instance or in a y other stage its progress iding, Appeals, Letters Pan, withdrawal, compromise ecessary or advisable for aid case or submit to arbiter relating to the said case oneys as grant receipts to ous expenses from Courts	Appeal or unit its finatent Appear or other the prosestration are thereof by or parties.	Lette nal de eals, (r petiti ecution y diffe y way es, and	rs Patent cision. Cross obsorbed or a constant of costs I to do all	jections of fidavits of aid case in refund of other acts
case. employ any other Legal Practit inferred upon the Advocate with 1/We hereby agree to ratify 8	tioner authorising him to e henever he may think fit t	xercise the document of the contract of the co	ne pow	ers and	authorities
es/proceedings. I/We hereby agree not to hole is to see in consequence of his all is to otherwise. I/We hereby agree that in the	ld the Advocate or his sub bsence from the Court w	stitute re hen the s	spons said ca	ible for th ase is cal	ne result o lled up fo
pure to the Advocate remaining unpa d case until the same is paid and if a entitled to the same:					
AND I/We hereby agree that the Adany other Court or the Court sits a plication or Retention is to be filed in se.	t any place other than it	s normal	place	of, sitting	g & if any
IN WITNESS WHERE OF I/We he ich have been explained to and unde	<u>-</u>	to these	prese	ents the c	ontents of
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b. & Hr. High Count, of GH-98, MJC Seeins	ChD	• •	ure or t	humb imp e Client/s	
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