

**OFFICE OF DIRECTOR ELEMENTARY EDUCATION HARYANA
PANCHKULA**

Order No. 5/157-2018 HRM-I (3)

Dated, Panchkula, THE 19.06.2020

As per provisions contained in Haryana Govt. Finance Department notification No. 1/83/2008/1 PR (F.D) dated 07.01.2009 and modified dated 04.03.2014 forwarding therewith notification dated 30.12.2008 for implementation of Haryana Civil Service (Revised Pay) Rules, 2008 & 2016 the following employees is hereby granted ACP in the grade as mentioned against their name on completion of their regular satisfactory service as per ACP Rules, 2008 & 2016.

Sr. No	Name & Designation	Place of posting	ACP Stage (I, II,III)	Functional pay revised as per HCS rules 2008 & 2016	Due date of ACP	Completion 8/16/20/24
1	Sh. Ramesh Kumar, SS Master	GMS Toka (Ambala)	1 st	ACPL-11	01.08.2014	8 yrs

**Dr. VANDANA DISODIA
ADDITIONAL DIRECTOR ADMINISTRATION
O/O DIRECTOR ELEMENTARY EDUCATION
HARYANA, PANCHKULA**

ENDST. NO. EVEN

DATED, PANCHKULA, 25.6.2020

Regd:-

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

1. District Elementary Education Officer, **Ambala** with reference to your letter No. **E-1/19/3069 dated 18.09.2019**. It is requested that enclosed service book & ACR of 2011-12 and 2014-15 may be sent to the concerned school at your own level. Please ensure that all facts and figure are checked up at the time of Pay fixation of the Official Concerned.
2. Head of Institution concerned.
3. Official Concerned.
4. IT Cell.


**DEPUTY SUPERINTENDENT HRM-I
FOR DIRECTOR ELEMENTARY EDUCATION
HARYANA, PANCHKULA**

Acp sanction

OFFICE OF DIRECTOR ELEMENTARY EDUCATION HARYANA
PANCHKULA

Order No. 5/246-2019HRM-I(4)

Dated, Panchkula, THE 19.06.2020

As per provisions contained in Haryana Govt. Finance Department notification No. 1/83/2008/1 PR (F.D) dated 07.01.2009 and modified dated 04.03.2014 forwarding therewith notification dated 30.12.2008 for implementation of Haryana Civil Service (Revised Pay) Rules, 2008 & 2016 the following employees is hereby granted ACP in the grade as mentioned against their name on completion of their regular satisfactory service as per ACP Rules, 2008 & 2016.

Sr. No	Name & Designation	Place of posting	ACP Stage (I, II, III)	Functional pay revised as per HCS rules 2016	Due date of ACP	Completion 8/16/20/24
1.	Sh. Shyam Sunder, DPE	GSSS Gulawad, Palwal	1 st	ACPL-11	01.08.2018	8 Yrs.

Dr. VANDANA DISODIA
ADDITIONAL DIRECTOR ADMINISTRATION
O/O DIRECTOR ELEMENTARY EDUCATION
HARYANA, PANCHKULA

ENDST. NO. EVEN

DATED, PANCHKULA, 26-6-20

Regd:-

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

1. District Elementary Education Officer, Palwal, with reference to your letter no. E-2/2020/5269 dated 03.06.2020. It is requested that enclosed service book & personal file may be sent to the concerned school at your own level. Please ensure that all facts and figure are checked up at the time of Pay fixation of the Official Concerned.
2. Head of Institution concerned.
3. Official Concerned.
4. IT Cell.

Sumit
25/6/2020
DEPUTY SUPERINTENDENT HRM-I
FOR DIRECTOR ELEMENTARY EDUCATION
HARYANA, PANCHKULA

OFFICE OF DIRECTOR ELEMENTARY EDUCATION HARYANA
PANCHKULA

Order No. 5/421-2020HRM-I(4)

Dated, Panchkula, THE 26.06.2020

As per provisions contained in Haryana Govt. Finance Department notification No. 1/83/2008/1 PR (F.D) dated 07.01.2009 and modified dated 04.03.2014 forwarding therewith notification dated 30.12.2008 for implementation of Haryana Civil Service (Revised Pay) Rules, 2008 & 2016 the following employees is hereby granted ACP in the grade as mentioned against their name on completion of their regular satisfactory service as per ACP Rules, 2008 & 2016.

Sr. No	Name & Designation	Place of posting	ACP Stage (I, II,III)	Functional pay revised as per HCS rules 2016	Due date of ACP	Completion 8/16/20/24
1.	Smt. Reeta Yadav, Math Mistress	GMSSSS Sec-20 Panchkula	2 nd	ACPL-12	01.10.2019	16 Yrs.

Dr. VANDANA DISODIA
ADDITIONAL DIRECTOR ADMINISTRATION
O/O DIRECTOR ELEMENTARY EDUCATION
HARYANA, PANCHKULA


ENDST. NO. EVEN

DATED, PANCHKULA, 26-6-20

Regd:-

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

1. District Elementary Education Officer, Panchkua, with reference to your letter no. E-III/2020/342 dated 18.05.2020. It is requested that enclosed service book & personal file may be sent to the concerned school at your own level. Please ensure that all facts and figure are checked up at the time of Pay fixation of the Official Concerned.
2. Head of Institution concerned.
3. Official Concerned.
4. IT Cell.


26/6/2020
DEPUTY SUPERINTENDENT HRM-I
FOR DIRECTOR ELEMENTARY EDUCATION
HARYANA, PANCHKULA

OFFICE OF THE DIRECTOR ELEMENTARY EDUCATION HARYANA PANCHKULA

Order No. 3/142-2019 HRM-1(4)

Dated, Panchkula, the 26.06.2020

Smt. Anita Sharma, SS Mistress, GHS Shadipur (Yamuna Nagar) is hereby granted the leave on following conditions:-

Sr. No.	Name of Leave	From	Rule applicable
1	Child Care Leave	24.06.2020 to 24.07.2020	C.S. Instruction No. 11/102/2009-3FR/28067 dated 01.02.2016/05.07.2012/05.11.2012

1. That the official would have continued to officiate in class-III during her proceeding on leave with permission to Affix / Suffix holidays.
2. That she would draw the usual HRA and other allowances during the period of leave and she is likely to return to the post to which these allowances are attached.
3. That the officer/official would have continued to officiate in Class-III but she proceeds on leave during above period.

Dr. VANDANA DISODIA
ADDITIONAL DIRECTOR ADMINISTRATION
O/O DIRECTOR ELEMENTARY EDUCATION
HARYANA, PANCHKULA.

Endst. No. Even:

Dated, Panchkula, the 26-6-20

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

Regd:

1. Accountant General (A&E) Haryana Chandigarh.
2. District Elementary Education officer, Yamuna Nagar his memo No. E-3/2019/174 dated 23.06.2020.
3. Principal/Headmaster, GHS Shadipur (Yamuna Nagar).
4. Smt. Anita Sharma, SS Mistress, GHS Shadipur (Yamuna Nagar).
5. I.T Cell.

Sub 4
26/6/2020
DEPUTY SUPERINTENDENT HRM-1
FOR DIRECTOR ELEMENTARY EDUCATION
HARYANA, PANCHKULA

OFFICE OF DIRECTOR ELEMENTARY EDUCATION HARYANA
PANCHKULA

Order No. 5/246-2019HRM-I(4)

Dated, Panchkula, THE 19.06.2020

As per provisions contained in Haryana Govt. Finance Department notification No. 1/83/2008/1 PR (F.D) dated 07.01.2009 and modified dated 04.03.2014 forwarding therewith notification dated 30.12.2008 for implementation of Haryana Civil Service (Revised Pay) Rules, 2008 & 2016 the following employees is hereby granted ACP in the grade as mentioned against their name on completion of their regular satisfactory service as per ACP Rules, 2008 & 2016.

Sr. No	Name & Designation	Place of posting	ACP Stage (I, II, III)	Functional pay revised as per HCS rules 2016	Due date of ACP	Completion 8/16/20/24
1.	Sh. Shyam Sunder, DPE	GSSS Gulawad, Palwal	1 st	ACPL-11	01.08.2018	8 Yrs.

Dr. VANDANA DISODIA
ADDITIONAL DIRECTOR ADMINISTRATION
O/O DIRECTOR ELEMENTARY EDUCATION
HARYANA, PANCHKULA

DATED, PANCHKULA, 26-6-20

ENDST. NO. EVEN

Regd:-

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

1. District Elementary Education Officer, Palwal, with reference to your letter no. E-2/2020/5269 dated 03.06.2020. It is requested that enclosed service book & personal file may be sent to the concerned school at your own level. Please ensure that all facts and figure are checked up at the time of Pay fixation of the Official Concerned.
2. Head of Institution concerned.
3. Official Concerned.
4. IT Cell.

Junilla
25/6/2020
DEPUTY SUPERINTENDENT HRM-I
FOR DIRECTOR ELEMENTARY EDUCATION
HARYANA, PANCHKULA

OFFICE OF DIRECTOR ELEMENTARY EDUCATION HARYANA
PANCHKULA

Order No. 5/92-2020HRM-I(4)

Dated, Panchkula, THE 08.06.2020

As per provisions contained in Haryana Govt. Finance Department notification No. 1/83/2008/1 PR (F.D) dated 07.01.2009 and modified dated 04.03.2014 forwarding therewith notification dated 30.12.2008 for implementation of Haryana Civil Service (Revised Pay) Rules, 2008 & 2016 the following employees is hereby granted ACP in the grade as mentioned against their name on completion of their regular satisfactory service as per ACP Rules, 2008 & 2016.

Sr. No	Name & Designation	Place of posting	ACP Stage (I, II, III)	Functional pay revised as per HCS rules 2016	Due date of ACP	Completion 8/16/20/24
1.	Sh. Subhash Chand, Science Master	GHS Pansra, Yamunanagar	2 nd	ACPL-12	01.10.2019	16 Yrs.

Dr. VANDANA DISODIA
ADDITIONAL DIRECTOR ADMINISTRATION
O/O DIRECTOR ELEMENTARY EDUCATION
HARYANA, PANCHKULA

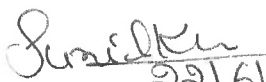
ENDST. NO. EVEN

DATED, PANCHKULA, 29-6-20

Regd:-

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

1. District Elementary Education Officer, Yamunanagar, with reference to your letter no. E-3/2019/9554 dated 08.01.2020. It is requested that enclosed service book & personal file may be sent to the concerned school at your own level. Please ensure that all facts and figure are checked up at the time of Pay fixation of the Official Concerned.
2. Head of Institution concerned.
3. Official Concerned.
4. IT Cell.


29/6/2020
DEPUTY SUPERINTENDENT HRM-I
FOR DIRECTOR ELEMENTARY EDUCATION
HARYANA, PANCHKULA

OFFICE OF DIRECTOR ELEMENTARY EDUCATION HARYANA, PANCHKULA

Order No. 5/77-2020 HRM-III (2)

Dated Panchkula the 19.06.2020

As per provision contained in Haryana Govt. Finance Department's letter No. 1/83/2008/1 PR (FD), dated 07.01.2009 forwarding therewith notification dated 31.12.2008 and modify dated 04-03-2014 for implementation of Haryana Civil Services (Revised Pay) Rules, 2008 & 2016 and 7(1) Haryana Civil Services (ACP) Rules, 2008 the following employees are hereby granted ACP in the grade as mentioned against their names, 'Subject to verification of entries made in the service book, grading of ACRs & certification of No pending enquiry / Proceedings against the official and on completion of their satisfactory service.'

Sr. No.	Name Designation and Place of posting	ACP Stage 1,2,3	Functional pay revised as per HCS Rules 2016	Due Date	Completion. 8/10/16/ 20 /24/ 30 Years
1.	Smt. Saroj Bala, ESHM, GHS Ferozpur, Distt. Panchkula	2nd	ACPL-12	01.04.2019	16 yrs as Master/Mistress (9300-34800+GP 5400 2 nd Financial Up-gradation)

Dr. Vandana Disodia
Additional Director Admn.
O/o Director Elementary Education
Haryana, Panchkula


ENDST NO. EVEN

DATED PANCHKULA THE, 24-6-2020

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

Regd.

1. District Elementary Education Officer, Panchkula w.r.t. his Memo No. E-III/20/336 dated 13.05.2020. It is requested that enclosed service books & personal file may be sent to concerned schools and all copies send to concerned at your own level. Please ensure that all facts and figures are checked up at the time of Pay fixation of the official concerned.
2. Account General (A&E) Haryana, Chandigarh.
3. Principal/Headmaster, GHS Ferozpur, Distt. Panchkula.
4. Smt. Saroj Bala, ESHM, GHS Ferozpur, Distt. Panchkula.
5. I.T. Cell. To upload the order on website.


SUPERINTENDENT HRM-III
for DIRECTOR ELEMENTARY EDUCATION
HARYANA, PANCHKULA 24.06.2020

OFFICE OF DIRECTOR ELEMENTARY EDUCATION HARYANA, PANCHKULA

Order No. 5/10-2020 HRM-III (2)

Dated Panchkula the 07.05.2020

As per provision contained in Haryana Govt. Finance Department's letter No. 1/83/2008/1 PR (FD), dated 07.01.2009 forwarding therewith notification dated 31.12.2008 and modify dated 04-03-2014 for implementation of Haryana Civil Services (Revised Pay) Rules, 2008 & 2016 and 7(1) Haryana Civil Services (ACP) Rules, 2008 the following employees are hereby granted ACP in the grade as mentioned against their names, 'Subject to verification of entries made in the service book, grading of ACRs & certification of No pending enquiry / Proceedings against the official and on completion of their satisfactory service.'

Sr. No.	Name Designation and Place of posting	ACP Stage 1,2,3	Functional pay revised as per HCS Rules 2016	Due Date	Completion. 8/10/16/ 20 /24/ 30 Years
1.	Sh. Amit Jain (060907), ESHM, GMS Amipur, Distt. Faridabad	2nd	ACPL-12	01.06.2019	16 yrs as Master/Mistress (9300-34800+GP 5400 2 nd Financial Up-gradation)

Dr. Vandana Disodia
Additional Director Admn.
O/o Director Elementary Education
Haryana, Panchkula


ENDST NO. EVEN

DATED PANCHKULA THE, 24-6-2020

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

Regd.

1. District Elementary Education Officer, Faridabad w.r.t. his Memo No. E-I/20/1323 **dated 06.01.2020**. It is requested that enclosed service books may be sent to concerned schools and all copies send to concerned at your own level. Please ensure that all facts and figures are checked up at the time of Pay fixation of the official concerned.
2. Account General (A&E) Haryana, Chandigarh.
3. Principal/Headmaster, GMS Amipur, Distt. Faridabad.
4. Sh. Amit Jain (060907), ESHM, GMS Amipur, Distt. Faridabad .
- ✓ 5. I.T. Cell. To upload the order on website.


SUPERINTENDENT HRM-III
for DIRECTOR ELEMENTARY EDUCATION
HARYANA, PANCHKULA 24.06.2020

OFFICE OF DIRECTOR ELEMENTARY EDUCATION HARYANA, PANCHKULA

Order No. 5/25-2020 HRM-III (2)

Dated Panchkula the 19.06.2020

As per provision contained in Haryana Govt. Finance Department's letter No. 1/83/2008/1 PR (FD), dated 07.01.2009 forwarding therewith notification dated 31.12.2008 and modify dated 04-03-2014 for implementation of Haryana Civil Services (Revised Pay) Rules, 2008 & 2016 and 7(1) Haryana Civil Services (ACP) Rules, 2008 the following employees are hereby granted ACP in the grade as mentioned against their names, 'Subject to verification of entries made in the service book, grading of ACRs & certification of No pending enquiry / Proceedings against the official and on completion of their satisfactory service.'

Sr. No.	Name Designation and Place of posting	ACP Stage 1,2,3	Functional pay revised as per HCS Rules 2016	Due Date	Completion. 8/10/16/ 20 /24/ 30 Years
1.	Smt. Nirmal Kumari (003615), ESHM, GMS Dhaurang (297), Distt. Yamuna Nagar	3rd	ACPL-13	01.11.2016	16 yrs as Master/Mistress (9300-34800+GP 6000 Last Financial Up-gradation)

Dr. Vandana Disodia
Additional Director Admn.
O/o Director Elementary Education
Haryana, Panchkula


ENDST NO. EVEN

DATED PANCHKULA THE, 24-6-2020

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

Regd.

1. District Elementary Education Officer, Yamuna Nagar w.r.t. his Memo No. E-3/2019/9560 **dated 08.01.2020**. It is requested that enclosed service books & personal file may be sent to concerned schools and all copies send to concerned at your own level. Please ensure that all facts and figures are checked up at the time of Pay fixation of the official concerned.
2. Account General (A&E) Haryana, Chandigarh.
3. Principal/Headmaster, **GMS Dhaurang (297), Distt. Yamuna Nagar.**
4. **Smt. Nirmal Kumari (003615), ESHM, GMS Dhaurang (297), Distt. Yamuna Nagar.**
5. I.T. Cell. To upload the order on website.


SUPERINTENDENT HRM-III
for DIRECTOR ELEMENTARY EDUCATION
HARYANA, PANCHKULA 24.06.20

OFFICE OF DIRECTOR ELEMENTARY EDUCATION HARYANA, PANCHKULA

Order No. 5/2-2020 HRM-III (2)

Dated Panchkula the 11.05.2020

As per provision contained in Haryana Govt. Finance Department's letter No. 1/83/2008/1 PR (FD), dated 07.01.2009 forwarding therewith notification dated 31.12.2008 and modify dated 04-03-2014 for implementation of Haryana Civil Services (Revised Pay) Rules, 2008 & 2016 and 7(1) Haryana Civil Services (ACP) Rules, 2008 the following employees are hereby granted ACP in the grade as mentioned against their names, 'Subject to verification of entries made in the service book, grading of ACRs & certification of No pending enquiry / Proceedings against the official and on completion of their satisfactory service.'

Sr. No.	Name Designation and Place of posting	ACP Stage 1,2,3	Functional pay revised as per HCS Rules 2016	Due Date	Completion. 8/10/16/ 20 /24/ 30 Years
1.	Sh. Balwant Singh (032112), ESHM, GHS Ahrod (2460), Distt. Rewari	3rd	ACPL-13	01.11.2017	24 yrs as Master/Mistress (9300-34800+GP 6000 Last Financial Up-gradation)


Dr. Vandana Disodia
Additional Director Admn.
O/o Director Elementary Education
Haryana, Panchkula

ENDST NO. EVEN

DATED PANCHKULA THE, 30-6-2020

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

1. District Elementary Education Officer, Rewari w.r.t. his Memo No. E-3/2019/2533/1344 dated 26.12.2019. It is requested that enclosed service books & personal file may be sent to concerned schools and all copies send to concerned at your own level. Please ensure that all facts and figures are checked up at the time of Pay fixation of the official concerned.
2. Account General (A&E) Haryana, Chandigarh.
3. Principal/Headmaster, GHS Ahrod (2460), Distt. Rewari .
4. Sh. Balwant Singh (032112), ESHM, GHS Ahrod (2460), Distt. Rewari .
5. I.T. Cell. To upload the order on website.


SUPERINTENDENT HRM-III
for DIRECTOR ELEMENTARY EDUCATION
P HARYANA, PANCHKULA 25.06.20

Directorate of Elementary Education Haryana, Panchkula

Order No. 17/14-2016 HRM-III (2)

Dated Panchkula the, 17-6-2020

Whereas Anil Kumar & Others approached the Hon'ble Punjab & Haryana High Court by way of filing a Civil Writ Petition i.e. CWP No. 25875 of 2015- Anil Kumar & Others V/s State of Haryana & Others praying therein for issuance of a writ of Certiorari, quashing the impugned condition in order Annexure P-3 dated 04.03.2014 qua modifications of ACP grade pay w.e.f. 04.03.2014 instead of 01.01.2006 and further modification of the term of 10, 20 and 30 year of service for grant of 1st, 2nd and 3rd ACP respectively to 8, 16, and 24 years w.e.f. 04.03.2014 instead of 01.01.2006, thereby denying the benefit of arrears to the petitioner after modification of ACP grade pay and change of term of grant of ACP scale. Further prayer for issuance of a writ of mandamus directing the respondents to grant benefit of modification of ACP grade pay and term of grant of ACP scale w.e.f. 01.01.2006 i.e. from the date the pay revision was actually given effect to.

The said petition came up for hearing before the Hon'ble High Court on 18.03.2017 and was disposed off with the following directions:-

- "1.) By this common order, the above Civil Writ Petitions shall be disposed of as the issue involved in all these cases are identical. For brevity, facts are being taken from CWP No.17496 of 2014.*
- 2.) In the instant writ petition, the petitioners have questioned the validity of the impugned condition stipulated in Annexure P-3. Extract of Annexure P-3 reads as under:-*

"5. 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."

Further the petitioners have sought for a direction to the respondents to extend the benefit of modified ACP Grade pay and grant of ACP scale w.e.f. 1.1.2006 from the date the pay revision was actually given effect. In these bunch of petitions some of the petitioners are in service as on 4.3.2014 and some of them are retired. Thus, they form a separate class of persons. Having regard to the status of the petitioners read with order dated 4.3.2014 vide Annexure P-3, question for consideration is whether order dated 4.3.2014 which has been issued while invoking under Rule 26 and Rule 28 of the Haryana Civil Services (Assured Career Progression) Rules, 2008 dated 30.12.2008 while giving effect from 1.1.2006 is applicable to those who are in service and those who are retired as on 4.3.2014 or not. The State Government issued Rules called Haryana Civil Services (Assured Career Progression) Rules, 2008 on 30.12.2008. These Rules deemed to have come into force on 1.1.2006. For the purpose of deciding the present litigation, it is necessary to read Rule 2 which reads as under:-

2. Categories of Government servants to whom the rules apply

- (1) Save as otherwise provided by or under these rules, these rules shall apply to persons appointed to Civil Services and posts of group 'A', 'B', 'C' and 'D' in connection with the affairs of the Government of Haryana and whose*

pay is debitable to the Consolidate Fund of the State of Haryana and are mentioned in the Schedule I of these rules.

(2) These shall not apply to:-

- a. Officers of Judiciary working in connection with the affairs of Haryana State;
- b. Persons not in whole time employment;
- c. Persons paid out of contingencies;
- d. Persons paid otherwise than on monthly basis, including those paid on a piece-rate basis or on the basis of daily wages or on consolidated contractual payment;
- e. Any other class or category of persons whom the Government may by order, specifically exclude from the operation of all or any of the provisions contained in these rules;"

3.) The State Government on the representations and persistent demand of Haryana Government employes insofar as extending the benefit of ACP those who have completed 10, 20 and 30 years was modified to 8, 16, and 24 years, respectively on 4.3.2014. On 4.3.2014 itself the official respondents found that there was error in respect of first and second category insofar as modified ACP Grade Pay to the extent that 1650-1800- 2000 (1st 2nd and 3rd ACP) instead of 1800-1900-2000 (1st 2nd and 3rd ACP). The same was noticed by the Department which is evident from the noting dated 4.3.2014 which reads as under:

"It was agreed upon between the representatives of the Haryana Karamchari Talmel Committee and the State Govt. to provide the grade pay of Rs.1800/- and 1900/-respectively in 1st and 2nd ACP of Items No.1 & 2 of notification No.1/83/2008-1PR (FD), dated 04.03.2014. However, there is a minor mistake at the time of issuance of the order. Hon'ble CM has, therefore, ordered that necessary correction and amendment be made in the notification as per the agreement made with the representatives of the Haryana Karamchari Talmel Committee."

4.) Consequently, on the very same day while rectifying the first and second category of modified ACP Grade pay to the extent that 1800- 1900-2000 (1st 2nd and 3rd ACP) issued an order in which top of the order it was stated "(to be substituted bearing with same number, point and date)". These words are issued with reference to rectifying the error committed by the officials insofar as 1st and 2nd category of modified ACP Grade Pay. Therefore, it does not mean that the substitution of ACP Rules issued on 30.12.2008. In view of these factual aspects, learned counsel for the petitioners submitted that the petitioners who have already retired from service as on 4.3.2014 are entitled to benefit of 4.3.2014 order for the reasons that they have been granted the benefit of 10, 20 and 30 years ACP benefit which is required to be modified to 8, 16 and 24 years. It was further contended that the retired employees form a class and those who are in service, they form a class. There would be discrimination in extending the benefit of ACP vide order dated 4.3.2014.

Hence, the retired employees are also entitled for the benefit of 4.3.2014 order. Therefore, condition cited supra is arbitrary and illegal.

- 6.) On the other hand, learned counsel for the respondents vehemently contended that the ACP benefit which was introduced on 30.12.2008 has been modified to the extent of 8, 16 and 24 years instead of 10, 20 and 30 years due to persistent demand of Haryana Government employees. Therefore, it is not a substitution of 2008 Rules as contended by petitioners. Hence, those who are retired from service are not entitled for the benefit of 4.3.2014 order.
- 7.) Heard learned counsel for the parties.
- 8.) Crux of the matter is whether the benefit of order dated 4.3.2014 arising out of ACP Rules, 2008 could be extended to those who have retired prior to 4.3.2014 and to those who are in service as on 4.3.2014 or not. The order dated 4.3.2014 vide Annexure P-3 while invoking under Rule 26 and 28 of the Haryana Civil Services (Assured Career Progression) Rules, 2008 dated 30.12.2008 is not applicable to such of those retired employees who have retired prior to 4.3.2014 for the reasons that having regard to the applicability of Clause Rule 2 of the Haryana Civil Services (Assured Career Progression) Rules, 2008 cited supra is concerned is not applicable to the retired employees. Therefore, whatever the rules made under Haryana Civil Service (Assured Career Progression) Rules, 2008 read with the order dated 4.3.2014 is not applicable to those who have retired from service. Accordingly, insofar as petitioners who have retired from service prior to 4.3.2014, the present petition stands dismissed.
- 9.) Learned counsel for the petitioners those who have retired from service relied on decision of this Court passed in LPA No.352 of 2014 (State of Punjab and others Vs. A.P. Sharma and others) has considered the effect of retro active. Therefore, in terms of the said decision even for the retired employees are entitled for benefit of ACP from retrospective date. Perusal of the facts of the case in LPA read with the present matter, it is entirely different. There the question is relating to pension whereas in the present case relates to ACP when the ACP Rules, 2008 is very specific to the extent of application of ACP Rules, 2008 those who are in service and not for the retired employees. Therefore, the cited decision by the petitioners counsel is distinguishable. The same is not applicable to the retired persons like petitioners in these bunch of petitions.
- 10.) The persons who are in service prior to 4.3.2014, the benefit of order dated 4.3.2014 is applicable to the extent that grant of ACP to those who have completed 8, 16 and 24 years of service, the same cannot be denied prospectively i.e. after 4.3.2014. Having regard to the fact that 4.3.2014 order is not substitution to the 2008 Rules as is evident from the fact that on 4.3.2014 certain modified ACP Grade pay in respect of category I and II was incorrect. In order to rectify the same, the official respondents have proceeded to pass a fresh order on 4.3.2014 with reference to cited note (supra). In that context the word "(to be substituted bearing with same number and date)" has been indicated. In other words it does not mean that

substitution of the 2008 Rules. It is only substitution of 4.3.2014 order to the extent of rectifying the category 1 and 2 and modified ACP Grade Pay from 10650-10800-2000 (1st 2nd and 3rd ACP) to 1800-1900-2000 (1st 2nd and 3rd ACP), respectively. In view of these factual and legal aspects the petitioners are not entitled for any benefit retrospectively. In other words intervening period from 1.1.2006 to 4.3.2014 is applicable to only those who are in service as on 4.3.2014 and not for those who have retired from service prior to 4.3.2014.

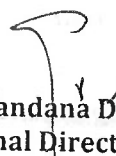
11.) With the above observations, writ petitions stand disposed of".

In compliance of this order dated 18.03.2017, the writ petition has been examined and it has been found that out of 44 petitioners only 6 petitioner belong to HRM-III branch. The petitioner No.1 has issued third ACP vide order dated 17/14-2016 HRM-II/III (2) dated 08.01.2020. The petitioner No. 3 has been granted second ACP vide order dated 17/14-2016 HRM-II/III (2) dated 05.03.2020. The petitioner No. 15 has been granted his 3rd ACP vide order No. 5/567-15 M-I (2) dated 04.09.2015. The petitioner No. 35 has been granted his 3rd ACP vide order No. 5/33-2013 HRM-I (6) dated 31.07.2017. The Petitioner No. 41 has been granted his 3rd ACP vide order No. 5/153-2016 HRM-I (5) dated 19.10.2016. The service book of petitioner No. 42 has been sent to Accountant General, Haryana for pension case. The case of the petitioners has been examined carefully and it has been found that the petitioner No.42 had retired as ESHM on 30.11.2013. It is pertinent to mention here that the ACP rules came into force on 01.01.2006 and modification vide letter dated 04.03.2014 has been done in Rule 7 while modifying the term of 10, 20 and 30 year of service for grant of 1st, 2nd and 3rd ACP respectively to 8, 16, and 24 years. The condition imposed while modifying the ACP scheme is that it has been made effective prospectively from 04.03.2014 and not from 01.01.2006.

In view of the position explained above, the petitioners are claiming for benefit of modification of ACP grade pay and term of grant of ACP scale w.e.f. 01.01.2006. Hence, the petitioners are entitled for above said benefit as per the ACP rules, because it is applicable to only those who have been in service on/after 04.03.2014 and not applicable to those who have retired from service prior to 04.03.2014. However, the petitioner No.42 has retired from service prior to 04.03.2014 so that the petitioner No. 42 is not entitled for such benefits.

Besides above, the case of petitioners has been examined by the undersigned being competent authority and it has been found that the petitioner No. 1, 3, 15, 35 and 41 are entitled for such benefit which is already granted to said petitioners. Therefore, in view of the above background and factual position of the case, the claim of the petitioner No. 1, 3, 15, 35 and 41 are gratified/fulfilled.

Order accordingly.


(Dr. Vandana Disodia),
Additional Director Admn.
O/o. Director Elementary Education,
Haryana Panchkula.

Regd.

To

1. Anil Kumar S/o. Sh. Bhagu Ram, ESHM (001485), GMS Bara Kot Kachhwa, Block Ambala-1, Ambala (Petitioner No.1).
2. Narendra Singh S/o. Sh. Sadhu Singh, ESHM (001602), GHS Tharwa, Block Ambala-1, Ambala (Petitioner No.3).
3. Ram Kumar Bhardwaj S/o Harish Chander, ESHM (000953), GMS Hardi-Harda, Block Saha, District Ambala (Petitioner No.15).


4. Gurnam Singh S/o Shingara Singh, ESHM (000174), GHS Chaur Mastpur, Block Ambala-1, District Ambala (Petitioner No.35).
5. Rajesh Baweja S/o Mulkh Raj, ESHM (031112), GMS Jharauli Kalan, Block Shahabad, District Kurukshetra (Petitioner No.41).
6. Baljit Singh S/o Karnail Singh, ESHM (030984), GSSS Nalvi, District Kurukshetra (Petitioner No.42).

Endst. No.: Even

Dated Panchkula the, 22-06-2020

A copy of this order is forwarded to following for information and necessary action:

1. Director Secondary Education, Haryana, Panchkula.
2. District Elementary Education Officer, Ambala & Kurukshetra.
3. Superintendent ET-I, ET-II, ET-III, HRC&V, HRM-I, HRM-II.
4. Sh. Umesh Narang, Advocate, Bar Complex, Punjab & Haryana High Court, Chandigarh.
5. IT Cell. To upload the Order on website.


Superintendent HRM-III
for Director Elementary Education,
P Haryana, Panchkula