



WPSS No.1347 of 2015
Hon'ble Rajiv Sharma, J.

Mr. Aditya Singh, Advocate holding brief of Ms. Indu Sharma, Advocate for the petitioner.

Mr. Sanjay Bhatt, Advocate for the respondents.

The petitioner was appointed as Class IV employee in Nagar Palika, Pithoragarh on 01.04.1985. The State Government has taken a conscious decision to absorb the petitioner and similar situate persons in the State Government on 19.10.1996 as per G.O. dated 05.02.1996. Thereafter, the petitioner was granted Ist ACP on 02.12.2000 and IInd ACP on 10.03.2014. Now the petitioner has been denied for IIIrd ACP purportedly on the ground that services rendered by the petitioner in Nagar Palika, Pithoragarh from 01.04.1995 till his absorption in the State Government shall not be counted as qualifying service.

The petitioner's service has already been counted which has rendered in the Nagar Palika, Pithoragarh for granting him two ACPs on 02.12.2000 and 10.03.2014.

There is arbitrariness in the action of the respondents whereby IIIrd ACP has been denied to the petitioner after completion of 26 years by ignoring the services which the petitioner rendered in the Nagar Palika, Pithoragarh before his absorption in the State Government on 19.10.1996.

The writ petition is allowed. Impugned order is quashed and set aside. The respondents are directed to grant IIIrd ACP also to the petitioner on the analogy two ACPs which have been granted on 02.12.2000 and 10.03.2014, within a period of ten weeks from today.

Pending application, if any, stands disposed of accordingly.

(Rajiv Sharma, J.)
17.05.2018