



From

The Additional Chief Secretary to Government Haryana,
Finance Department.

To

1. All the Administrative Secretaries in Haryana State.
2. All the Head of Department in Haryana State.
3. All the Divisional Commissioner in Haryana State.
4. All the Deputy Commissioner in Haryana State.
5. All the SDO(Civil) in Haryana State.

Memo No. 3/4/2011-4PR(FD)/37337
Dated: 08.04.2021

Subject:- Legal Notice/Demand Notice on behalf of All Haryana Govt./Semi Govt. Drivers Association, H.O., Chandigarh in CWP No. 1709 of 2013 for compliance of order dated 28.01.2020.

I have been directed to refer on the subject cited above.

It is informed that pursuant to the judgment of Hon'ble High Court passed on 28.01.2020 in CWP No. 1709 of 2013, Sh. D.R. Punia, Advocate on behalf of all Haryana Government/Semi Government Driver Association has served a legal notice on 11.11.2020 (copy Annexed) with request (a) As per the reply filed by the State in CWP No. 1709 of 2013, wherein, it was admitted that all the drivers who have completed 24 years will get 3rd ACP with grade pay of Rs. 4000/- But till date nothing has been done and no payment has been made to any driver. (b) The Hon'ble High Court held that the petitioners are entitled to special pay at difference rates sanctioned by the Govt. from time to time. But very surprising that till date nothing has been paid. As such the order dated 28.01.2020 has not been complied with.

Earlier, on demand of Staff Car/ Jeep Car Drivers Association the ACP Grade pay of Rs. 4000 was allowed as special/additional ACP after completion of 24 years regular satisfactory service with limitation of 20% cadre posts of Drivers in terms of FD's letter dated 19/20.10.2011.

Now the Hon'ble High Court in its order dated 28.01.2020 passed in CWP No. 1709 of 2013 observed as under:-

“xxxxxxxxx

On notice of this petition, a reply has been filed by the Finance Department. Wherein, with respect to the first prayer, it has been stated that vide notification dated 04.03.2014, it has been decided to reduce the period prescribed for the grant of ACP scales from 10 years, 20 years and 30 years to 8 years, 16 years and 24 years respectively (as regards the grant of the 1st, 2nd and 3rd ACP scales). Further, for such posts whose functional grade pay for direct recruits is Rs.2400/-, the ACP grade pay will be Rs.3200/-, Rs.3600/- and Rs.4000/- respectively, and third ACP scale (with a grade pay of Rs.4000/-) will be admissible to all drivers on completion of 24 years service, without any limit of 20% of the cadre posts.

In this way all the drivers who have completed 24 years will get 3rd ACP with grade pay of Rs. 4000/-. The first prayer has been answered.

With respect to the second prayer, in response to the legal notice dated 31.10.2012, a Pay Revision Committee was constituted vide a notification dated 18.09.2008 and the pay scales have been revised by framing Rules titled as “Haryana Civil Services (Revised Pay) Rules, 2008”.

On the subject of Special Pay, the Committee has decided as under :-

“At present different posts/ cadres are getting special pay at different rates. The Committee does not recommend any change in the rates of special pay being given to different posts/ cadres. It however recommends that special pay be discontinued for posts carrying a grade pay of Rs. 6000/- p.m. and above.”



A perusal of the decision given by the Committee makes it very clear that they have not recommended special pay for the posts which carry grade pay of Rs. 6000/- p.m. and above.

The petitioners are held entitled to special pay at different rates sanctioned by the government from time to time. Hence, no further orders are required to be passed in this petition.

This petition is disposed of."

Therefore, you are advised to ensure that as on 01.01.2016 onwards Car/Jeep Drivers working under your control are getting the pay scale/ACP as under subject to fulfilment of other terms & conditions:-

Sr. No.	Particulars	Pay level/Grade Pay
1.	Functional Pay Level	FPL-4 (2400 GP)
2.	1 st ACP on completion of 8 years of regular satisfactory service	ACPL-6 (3200 GP)
3.	2 nd ACP on completion of 16 years of regular satisfactory service	ACPL-7 (3600 GP)
4.	3 rd ACP on completion of 24 years of regular satisfactory service	ACPL-8 (4000 GP).

Further they are also entitled for Special Pay at different rates sanctioned by the Government from time to time.

Usham

Chief Accounts Officer (PR)
for Addl. Chief Secretary to Govt. Haryana,
Finance Department

Endst. No. 3/4/2011-4PR(FD)/37337 Dated, Chandigarh, the 08.04.2021

A copy of above is hereby forwarded to following for information and necessary action:-

1. Sh. D.R. Punia, Advocate, H.No. 416, Sector-16, Panchkula.
2. Sh. Partap Singh Rana, State President of All Haryana Government/Semi-Government Drivers Association, R/o H.No. 222, Sectory-7, Chandigarh.

Usham

Chief Accounts Officer (PR)
for Addl. Chief Secretary to Govt. Haryana,
Finance Department