

GAHC010133082008



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/293/2008

SHRI BALA RAVI C.P. and ORS
S/O LT. SHRI DAMODARAN NAIR C.P. SUPDT. BR GDE I HQ CE P VARTAK,
C/O 99 APO, TEZPUR, SONITPUR, ASSAM.

2: SHRI K S ASOKAN
S/O LT. SHRI N K SREEDHARAN SUPDT. BR GDE I HQ 14 BRTF GREF C/O 99
APO

3: SHRI SURENDRAN. P K
S/O SHRI KUTTAPPAN
P.K SUPDT BR GDE I HQ CE P SEWAK C/O 99 APO

4: SHRI TEJVIR SINGH
S/O SHRI RAM PAL SINGH SUPDT. BR GDE II 322 SURF PLATOON
14 BRTF GREF C/O 99 AP

VERSUS

THE UNION OF INDIA and ORS
REP. BY THE SECY, MINISTRY OF DEFENCE, GOVT. OF INDIA, NEW DELHI-
11.

2:THE SECRETARY

BORDER ROADS DEVELOPMENT BOARD
"B" WING
4TH FLOOR
SENA BHAWAN
NEW DELHI- 110011.

3:THE DIRECTOR GENERAL BORDER ROADS

SEEMA SADAK BHAWAN
RING ROAD

DELHI CANTT
NEW DELHI- 110010.

4:THE SECRETARY

DEPARTMENT OF PERSONNEL AND TRAINING
MINISTRY OF PERSONNEL
PUBLIC GRIEVANCE AND PENSION
GOVT. OF INDIA
NORTH BLOCK
NEW DELHI- 110 001.

5:CHIEF ENGINEER

PROJECT VARTAK
C/O 99 APO TEZPUR
SONITPUR
ASSAM

Advocate for the Petitioner : MR.D K MISRA

Advocate for the Respondent :

**BEFORE
THE HON'BLE MR. JUSTICE SUMAN SHYAM**

05/06/2023

Heard Ms. A. Neog, learned counsel for the writ petitioners. Also heard Mr. Bidyut Sarma, learned CGC, appearing for the respondents.

The 4 (four) writ petitioners herein, had approached this Court by filing the instant writ petition seeking a Writ of Mandamus for implementation of the report of the Vth CPC by granting them higher pay scale and also the benefit of ACP with effect from August, 1999.

Mr. Sarma, learned CGC, has obtained written instruction dated 10/03/2023 and placed the same before this Court. As per the written instruction dated 10/03/2023, the petitioners have already received those financial benefits under the ACP/MACP applicable to them and, therefore, they are not entitled to any further relief in this writ petition.

Ms. Neog, learned counsel for the petitioners submits that she became aware of the said development only this afternoon, upon receipt of a copy of the written instruction but due to want of

instruction, she does not have any submission to make. It is also the stand of the learned counsel for the petitioners that she could not contact her clients so as to obtain instruction.

In so far as their prayer for granting different pay scale is concerned, it is the stand of the department that the writ petitioners cannot compare themselves to be at par with the officers of MES and PWD, since those employees are governed by a different set of recruitment and promotion rules.

The fact remains that the petitioners have accepted the benefit of ACP/MACP scheme extended to them. Therefore, what would be the impact of the same in this case, is a matter which would require proper consideration based on pleadings brought on record. Moreover, Mr. Sarma submits that none of the petitioners are in service as on date and all of them have in the meantime, retired from service on attaining the age of superannuation. Therefore, in all probability, the petitioners are now receiving pensions.

This Court has noted that the writ petition pertains to the year 2008 and, therefore, it is an old pending matter. If the petitioners are no longer in service and they have already received and accepted the ACP/MACP benefits, the pleadings in this writ petition may no longer be relevant for the purpose of granting them any further relief. It is also not clear as to what precisely would be the nature of their grievance, if any, at this point of time, more so, since it is likely that their pensions have also been finalized by this time. Therefore, by granting liberty to the petitioners to approach this Court once again if they continue to remain aggrieved in the matter, this writ petition stands closed.

A copy of the written instruction dated 10/03/2023 be retained in the record of the case.

The writ petition stands disposed of accordingly.

JUDGE

sukhamay

Comparing Assistant