

GAHC010016562013



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

Case No. : WP(C)/5960/2013

GS-165291 N UDC SHYAM SUNDER SINGH and 57 ORS
HQ 47 BRTF C/O 99 APO

VERSUS

THE UNION OF INDIA and 5 ORS
REP. BY THE SECRETARY, MINISTRY OF SHIPPING, ROAD, TRANSPORT and
HIGHWAYS, BORDER ROADS DEVELOPMENT BOARD BRDB, ROOM NO.
418, 'B' WING SENA BHAWAN, NEW DELHI-110010.

Advocate for the Petitioner : MR.D BORAH

Advocate for the Respondent : MR.S C KEYAL

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 08.02.2024

Heard Mr. D. Borah, learned counsel for the petitioners. Also heard Mr. K. Gogoi, learned CGC appearing for the respondents.

Mr. Gogoi, learned CGC has placed before this Court the decision of the Hon'ble Supreme Court of India in the case of *Union of India v. M. V. Mohanan Nair* reported in (2020) 5 SCC 421 and submits that the issues as raised in the present writ petition is already decided by the Hon'ble Apex Court.

Accordingly, in terms of the decision of the Hon'ble Apex Court in the case of *M. V. Mohanan Nair (supra)*, the claim of the petitioners for grant of their MACP in the pay band and Grade pay of the promotional post in the promotional hierarchy cannot be considered and such up-gradation under the MACP scheme is now permissible only to the next higher grade pay.

In view of the above decision rendered by the Hon'ble Apex Court in the case of *M. V. Mohanan Nair (supra)*, this writ petition stands dismissed. However, there would be no order as to costs.

JUDGE

Comparing Assistant