

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K.AGNIHOTRI,
AND
THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P.No. 8330 of 2010

S. Muniappan

.. Petitioner

vs.

1. Group Commandant,
CISF, (Ministry of Home Affair),
'D' Block, Rajaji Bhavan,
Besant Nagar, Chennai.

2. The Deputy Commandant,
C.I.S.F. (Ministry of Home Affair),
Unit Salem Steel Plant,
Salem 636 013.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records from the 2nd respondent relating to his orders bearing No.E.36017/DOC.SSP/Payfix/2009/5341, dated 21.11.2009 and quash the said order dated 21.11.2009 and direct the respondents to give the benefits of modified assured career progression scheme and award costs.

For Petitioner सत्यमेव जयते : Mr. S. Ayyathurai

For Respondents : Mr. V.M.G. Ramakannan
C.G.S.C.

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI,J.,)

This writ petition is filed to quash the order of the second respondent dated 21.11.2009 and to direct the respondents to give the benefits of modified assured career progression scheme.

2. On examination, we find that the question of law and the facts involved in the instant petition are one and the same as in W.P.5752 of 2012 etc. batch. A Division Bench of this Court, in the light of the decision rendered by the Delhi High Court in WP (C) No. 7758 of 2011, disposed of the said writ petitions by order dated 16.6.2014 as under:-

" In the light of the said decision rendered by the Delhi High Court, which has also reached finality in the absence of any challenge to the order in respect of the persons, who are similarly placed like that of the petitioners herein, and that the said order has also been implemented, this Court is of the view that all the writ petitions have to be ordered as prayed for.

In the result, the impugned orders passed in the respective writ petitions are set aside. The writ petitions are allowed. The official respondents shall consider the claim of the respective petitioners as and when they attain eligibility period prescribed under the ACP Scheme and confer them the benefit without any delay and it is also made clear that any amount already paid, cannot be recovered in the light of the impugned orders. If any amount recovered is also to be reimbursed to the concerned persons within a period of six weeks from the date of receipt of a copy of this order".

3. In view of the above, we dispose of this writ petition also on the same terms. No costs.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

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To

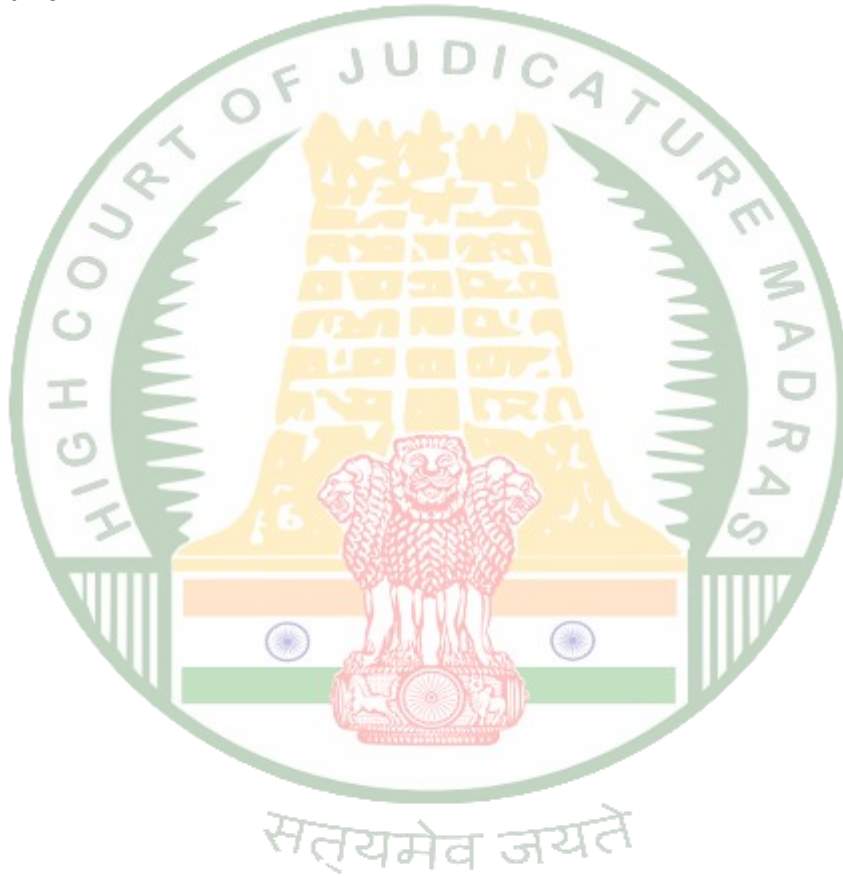
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1 cc to Mr. S. Ayyathurai ,Advocate, SR.No.1899/15

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