

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH,

WRIT PETITION NO. 5336 /2016

(Govind s/o Lakhu Rathod & another vs. The State of Maharashtra and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

Mr. R.N.Ghuge, Advocate for the petitioners
Mr. A.A. Madiwale, Assistant Government Pleader for Respondent
Nos. 1 to 3

**CORAM : SMT. VASANTI A. NAIK &
MRS. SWAPNA JOSHI, JJ.
DATED : 24th November, 2016.**

Heard.

By this Writ Petition, the petitioners challenge the order of the Assistant Commissioner, Social Welfare, Amravati denying the benefits of the ACP (Assured Career Progress) Scheme to the petitioners. It is the case of the petitioners that the impugned orders are passed by the Assistant Commissioner on an assumption that the Assured Career Progress Scheme is not sanctioned by the Finance Department of the State Government. It is stated that the said aspect was considered by this Court in a bunch of Writ Petitions bearing Writ Petition No.2358 of 2013 and others and this Court has, by the Judgment dated 21st September, 2013 declared that the benefit of the Assured Career Progress Scheme should be made available to the employees of Group 'C' and Group 'D' non-teaching staff of the Aided private Schools including the Ashram Schools. It is stated that the case of the petitioners stands covered by the Judgment of the Division Bench referred to hereinabove and it would be necessary for this Court to pass similar orders in the case of the petitioners also.

Shri Madiwale, the learned Assistant Government Pleader does not dispute the statement made on behalf of the petitioners. It is fairly admitted that the issue involved in this case stands answered in favour of the petitioners by the Judgment dated 21st September, 2013 in the bunch of Writ Petitions bearing Writ Petition No.2358 of 2013 and Others i.e. annexed as 'Annexure-D' to this petition.

Hence, for the reasons recorded in the Judgment dated 21st September, 2013 in Writ Petition No.2358 of 2013 and Others, we quash and set aside the orders of Assistant Commissioner and declare that the petitioners would be entitled to the benefits of 'Assured Career Progress Scheme' and other benefits if the other conditions are satisfied. We direct the respondents to scrutinize the case of the petitioners and consider their eligibility for the benefits under the Assured Career Progress Scheme within a period of six months. If the petitioners are found to be eligible for the monetary benefits flowing from the Scheme, the same should be paid to the petitioners at the earliest.

Order accordingly. No costs.

JUDGE

JUDGE

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