

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Order : April 06, 2018*

+ **W.P.(C) 3283/2018 & CM No.12903/2018**

ASHOK KUMAR CHOUDHURY AND ANR. Petitioners
Through: Ms.Sumita Hazarika, Advocate

versus

UNION OF INDIA AND ANR. Respondents
Through: Mr.Arun Bhardwaj, Advocate

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Vide office order of 30th January, 2018, respondent-Sahitya Akademi has withdrawn the benefit of first ACP granted to Senior Library and Information Assistants while claiming that the Ministry of Culture has emphasized that while implementing 7th Central Pay Commission Scales, respondent-Sahitya Akademi shall ensure that all such erroneous pay fixation/ACP/MACP cases have to be identified and rectified under intimation to the Ministry of Culture. Petitioners had made a representation (*Annexure P-13*) on 7th February, 2018 to respondent-Sahitya Akademi which has been summarily rejected vide impugned office memorandum of 19th/20th February, 2018. Learned counsel for petitioners claims that the benefit of first ACP was granted to petitioners in the year 2005 and it has been arbitrarily withdrawn without giving any show cause notice to petitioners. It is also the grievance of petitioners that the representations

made by petitioners have not been properly considered and dealt with, by respondent-Sahitya Akademi. Despite service of advance notice, none appears on behalf of respondent-Sahitya Akademi.

2. A bare perusal of the impugned order of 19th/ 20th February, 2018 reveals that no justification for withdrawal of the first ACP to petitioners has been given in the impugned order. Not only this, it appears that no show cause notice was given to petitioners prior to passing of the impugned orders (*Annexure P-1 Colly*).

3. In the facts and circumstances of this case, it is deemed appropriate to dispose of this petition with permission to petitioners to make concise representations to respondent-Sahitya Akademi within a week and if such representations are received, then the respondent-Sahitya Akademi shall pass a speaking order thereon within a period of four weeks and its fate be conveyed to petitioners within a week thereafter, so that petitioners may avail of the remedies as available in law, if need be. It is made clear that till the fate of petitioners' representations is conveyed to them, no recoveries be effected from petitioners.

4. With aforesaid directions, this petition and the application are disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

APRIL 06, 2018
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