

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.25760 of 2019

ORDER:

This writ petition is disposed of at the stage of admission, with the consent of both the parties.

2. This writ petition is filed seeking a writ pf Mandamus, declaring the action of respondent-University in not considering the representation submitted by the petitioners seeking for implementation of Modified Assured Career Progression Scheme (MACPS) as notified by OM.No.35034/3/2008-Estt (D), dated 19.05.2009, issued by the Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, New Delhi, as adopted by the respondent-University for granting next higher grade pay of Rs.4,200 as Grade pay in the pay band 2 of Rs.9300-34800 towards 3rd financial upgradation on completion of 10 years of service in the same grade pay rendered by the petitioners, with effect from 13.10.2010 and 28.04.2010 respectively with all attendant benefits on par with similarly situated persons, as illegal, arbitrary and violative of Article 14 of the Constitution of India, and sought consequential directions directing the respondent to consider the case of the petitioners for granting grade pay of Rs.4,200/- in the pay band of Rs.9300-34,800 from 13.10.2010 and 28.04.2010 respectively as 3rd financial upgradation with all attendant benefits, on par with other similarly situated employees.

3. Heard learned counsel for the parties.

4. It has been contended by the petitioners that they are retired employees of the respondent-University and they are eligible for the benefit of Modified Assured Career Progression Scheme as notified by the Central Government in O.M.No.35034/3/2008-Estt (D), dated 19.05.2009, but the respondent-University is not considering their case for extending the said scheme. In those set of circumstances, the petitioners have submitted a representation on 04.07.2016 requesting the respondent-University to extend the Modified Assured Career Progression Scheme to them as was done in the case of similarly situated persons. But, so far, the respondent-University has not passed any orders on the said representation nor extended the benefits of the Modified Assured Career Progression Scheme to the petitioners. Therefore, counsel for petitioners contends that appropriate orders be passed in the writ petition directing the respondent-University to consider the representation submitted by the petitioners on 04.07.2016 and pass appropriate orders within a reasonable period of time.

5. Counsel appearing for the respondent-University has contended that since the petitioners' representation is pending with the respondent-University, the University would consider the same and pass appropriate orders in accordance with law within a reasonable period of time.

6. This Court, having considered the rival submissions made by the parties, is of the considered view that this writ petition can be disposed of directing the respondent-University to consider the representation submitted by the petitioners on 04.07.2016 and pass appropriate orders

in accordance with law within a period of Eight weeks from the date of receipt of a copy of this order.

7. With these observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

20th December, 2019

ajr

