

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C. (O.A.) No.193 of 2016

Satrughna Mohanty

....

Petitioner

None

-versus-

State of Odisha and others

....

Opposite Parties

Mr. Nilambar Jena,

Standing Counsel for the School & Mass Education

CORAM:

JUSTICE M.S. RAMAN

ORDER

18.07.2022

Order No.

01.

1. This matter is taken up through virtual/physical mode.
2. The Original Application No.193 of 2016 was filed before the Odisha Administrative Tribunal, Bhubaneswar. After its abolition, the same has been transferred to this Court which is renumbered as WPC (OA) No.193 of 2016.
3. Enclosing an order bearing No.5838-XVII-SME-LC-V-786/2014/SME, dated 21.03.2015 issued by the Government of Odisha, School & Mass Education Department rejecting the claim for entitlement to the benefit of Revised Assured Career Progression Scheme, the Petitioner has come up before this Court invoking Articles 226/227 of the Constitution of India.
4. Mr. Jena, learned Standing Counsel for the School & Mass Education Department submitted that the Finance Department vide Resolution dated 06.02.2013 has made it clear that the Revised Assured Career Progression Scheme is effective with effect from 01.01.2013, the resolution of the Finance Department runs as follows:-

*“Government of Odisha
Finance Department*

RESOLUTION

No.3560-PCC(A)-49/2012/F dated 06.02.2013

Sub: *Revised Assured Career Progression Scheme
(RACPS for the State Government Employees.*

The State Government considered the recommendations of the Fitment Committee and granted Assured Career Progression (AC) to the State Government employees on completion of 15th, 25th and 30th years of service akin to the Time Bound Advancement (TBA) provisions of the Orissa Revised Scales of Pay Rules, 1998. Accordingly, all State Government employees avail ACP in 3 stages i.e. 1st ACP on completion of 15 years of service, 2nd ACP after 25 years of service and 3rd ACP after 30 years of service in their original post/grade by addition of one increment @3% on the Basic Pay+Grade Pay with next annual increment after a period of one year from the date of sanction of the ACP.

2. The Government of India in the meanwhile, had introduced Modified Assured Career Progression Scheme (MACPS) for the Central Government Civilian employees in supersession of the provisions of ACP scheme. Consequent upon implementation of the MACPS by the Government of India, various Service Associations of the State Government employees have come up with memoranda to consider implementation of the MACPS in respect of employees of the State Government.

3. Taking into account the uncertain promotional avenues and career stagnation of the State Government employees, Government after careful consideration have decided to implement a career advertisement scheme to be known as REVISED ASSURED CAREER PROGRESSION SCHEME (RACPS).

4. The RACPS is to be effective from 01.0.2013.

5. The details of the RACP Scheme and conditions for grant of the financial upgradation under the Scheme are given in Annexure-1.

By order of the Governor

Sd/-

Additional Secretary to Government”

Perusal of the order dated 21.03.2015 indicates that since the Petitioner-applicant had retired from Government service on 30.06.2012, the Revised Assured Career Progression Scheme, which has been made with effect from 01.01.2013 will not be applicable in this case.

5. In view of the above, the writ petition stands disposed of.

(M.S. Raman)
Judge

Jyostna

