

Jvs.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3381 OF 2017

Union of India & Ors.	}	Petitioners
versus		
Smt. Asmita Arvind Joshi & Ors.	}	Respondents

**WITH
WRIT PETITION (ST) NO. 31428 OF 2017**

Union of India & Ors.	}	Petitioners
versus		
Smt. Manda Dinkar Naik	}	Respondent

Mr. Ashok R. Varma with Ms. Vrunda
Surve for petitioners.

Mr. Ramesh Ramamurthy and
Mr. Saikumar Ramamurthy for
respondents.

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.**

DATE: 10th MAY 2024

P.C.:

- 1.** Heard learned counsel for the petitioners and learned counsel for the respondents.
- 2.** Under challenge in these petitions is the judgment and order dated 9th December 2014 passed by the Mumbai Bench of Central Administrative Tribunal (hereafter referred to as "the Tribunal") in a bunch of Original Applications, the leading Original Application being Original Application No. 886 of 2011.

3. By the impugned order, the following direction was issued by the Tribunal: -

"25. Accordingly, we direct the respondents to communicate the ACRs with below benchmark gradings for which the applicants have been denied the 2nd financial upgradation on completion of 24 years of service. On receipt of such communication, the applicants may make representation against the said entries within one month thereafter. The respondents shall decide the representations within a period of two months from the date of receipt of such representation. If the entries are upgraded, respondents shall convene a meeting of review screening committee to reconsider the case of the applicants. If the applicants are found fit for second financial upgradation under the ACP scheme by the review screening committee, the respondents shall grant such benefit to the applicants with effect from the due date of completion of 24 years of service by refixing their pay with all consequential financial benefits including arrears of pay and allowances.

26. The O. As. Are disposed of in terms of above directions. No order as to costs."

4. Learned counsel representing the respondents has brought to our notice certain facts which appear to have rendered the writ petitions infructuous. It is stated on behalf of the respondents that in compliance of the impugned judgment and order dated 9th December 2014 passed by the Tribunal, the representations made by the respondents were considered, however, vide an order dated 18th/22nd May 2018, their claim for upgradation of ACRs was rejected.

5. Learned counsel for the respondents has tendered a judgment dated 6th March 2024 passed by the Tribunal in a bunch of Original Applications, leading Original Application being Original Application No. 747 of 2018, whereby the claim of the respondents has been allowed and it has been observed that there is no justification in denying the second ACP and third MACP to the respondents from due date.

6. Since the pursuant to the impugned judgment and order dated 9th December 2014, the representations made by the respondents were decided, which became subject matter of challenge before the Tribunal in another batch of Original Applications, which too have been decided, the present writ petitions have been rendered infructuous.

7. Accordingly, the writ petitions are dismissed as infructuous.

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(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)