



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.4774/2024

Union of India and others Vs. Deorao Vithobaji Dukre

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

Court's or Judge's order

Mr. S.A.Chaudari, Advocate for petitioners.

CORAM : NITIN W. SAMBRE & MRS. VRUSHALI V. JOSHI, JJ.
DATE : OCTOBER 21, 2024.

1. Heard.
2. The challenge is to the order dated 18.7.2023 delivered in Original Application No.2080/2020, whereby the petitioners who were respondents to the original application were directed to grant benefit of MACP-III to the respondent herein in terms of the order dated 13.7.2019.

On 1.6.1984, the respondent was appointed as unskilled labourer and was superannuated on 31.5.2014 after completing 30 years of service. The benefit under MACP-III was conferred to the respondent, vide order dated 13.7.2019, however, vide order dated 31.10.2019 the said benefit was withdrawn on the ground that the increment would have been due on 1.6.2014 and the respondent stood superannuated on 31.5.2014.

3. It appears that the Tribunal, while dealing with the claim put forth by the respondent-employee, has drawn support from para nos. 6.6 and 6.7 of the Supreme Court judgment in the matter of Director (Admn.

and HR) KPTCL and Ors. Vs. C.P.Mundinamani and Ors. (2023 LiveLaw (SC) 296).

4. According to Mr.Chaudhari, learned counsel appearing for the petitioner, the benefits which were sought to be conferred by the impugned order were already withdrawn. According to him, the Modified Assured Career Progression Scheme, which is referred to in the impugned order will result into conferring higher pay scale on the respondent-employees/such employees have not worked in the said pay scale or the said post to which the pay scale is attached. As such, he would claim that the reliance placed by the Central Administrative Tribunal on the Apex Court judgment in the matter of Director (Admn. and HR) KPTCL and Ors Vs. C.P.Mundinamani and Ors. (referred supra) is only misplaced. As such, he would seek indulgence in extraordinary jurisdiction.

5. If we appreciate the aforesaid submission, the fact remains that the benefits, in fact, were conferred on the petitioner, however, the same were withdrawn.

6. This led to the respondent-employee to approach before the Tribunal. The Tribunal, having realised that the benefits otherwise were to be received by the respondent-employee, had it been a case that he would have retired in the next month then that of the month of his superannuation. Such eventuality has been duly taken care by the Apex Court by interpreting the relevant provision in the light of the mandate of Article 14 of the Constitution. The Apex Court was of the view that to

achieve the very object of the scheme in question, the benefits as were claimed can be held to be entitled to by or to the benefit of the employee.

7. In our opinion, the findings recorded by the Tribunal are based on cogent reasons and also in support of the law laid down by the Apex Court in the matter of Director (Admn.and HR) KPTCL referred supra.

8. That being so, no error could be noticed in the impugned order of the Tribunal. The petition, in our opinion, lacks merit and stands dismissed. No costs.

(MRS.VRUSHALI V. JOSHI, J.) (NITIN W.SAMBRE, J.)