



WEB COPY



W.P.No.39925 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.39925 of 2024

R.Pannirselvam @ Angappan

... Petitioner

..Vs..

1. The Union Territory of Puducherry,
Rep. by the Chief Secretary to Government,
Chief Secretariat, Goubert Avenue,
Puducherry – 605 001.

2. The Director,
Local Administration Department,
No.16, Sufferen Street,
Puducherry – 605 001.

3. The Commissioner,
Puducherry Municipality,
Puducherry – 605 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, directing the respondents to consider the representation dated 05.06.2024 and 11.11.2024 by granting the III MACP by taking into account the date of the petitioner's initial appointment as Plumber within the time limits as fixed by this Court.



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For Petitioner : Mr.P.Suresh
For Respondents : Mr. A.Tamilvanan,
Additional Government Pleader
(Puducherry)

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. The Writ Petition has been filed directing the respondents to consider the representation dated 05.06.2024 and 11.11.2024 by granting the III MACP by taking into account the date of the petitioner's initial appointment as Plumber within the time limits as fixed by this Court.

3. The case of the petitioner is that he was initially engaged as a Plumber (Skilled Workman) on a regular basis from 17.09.1993. Initially, the said post was an isolated post and there was no promotional avenue. In order to ventilate the grievance of Government employees who did not have a promotional avenue, the Government of India introduced a scheme called the "Assured Career Progression Scheme" dated 09.08.1999. It is clear that a Government servant, having completed 12 years or 24 years of



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service, is entitled to the next promotional post pay under the ACP Scheme, with effect from the respective due date.

3.1. Further, the case of the petitioner is that on 19.05.2009, the Government of India issued an Office Memorandum regarding the "Modified Assured Career Progression Scheme" (MACP). The MACP Scheme supersedes the previous ACP Scheme and clarifications issued thereunder, and applies to all regularly appointed Group A, B, and C Central Government Civilian Employees, except officers of the Organized Group "A" Service. Accordingly, the petitioner has fulfilled the conditions outlined in the Scheme. Since the petitioner completed 30 years of service on 30.09.2023, the authorities failed to grant the next higher grade pay under the MACP Scheme. The petitioner made representations to the third respondent on 05.06.2024 and 11.11.2024, but, as it did not evoke any response, it has necessitated the filing of this Writ Petition.

4. The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the respondents to consider the petitioner's representations and pass orders.



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5. The learned Additional Government Pleader (Puducherry) appearing for the respondents submitted that the respondents will consider the representations of the petitioner, dated 05.06.2024 and 11.11.2024, in accordance with law, within a time frame fixed by this Court.

6. Considering the limited relief sought for in the petition, without expressing any opinion on merits of the writ petition, the respondents are directed to consider the representations dated 05.06.2024 and 11.11.2024 made by the petitioner and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of.
No costs.

03.01.2025

Index : Yes/No
Internet : Yes/No

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V.BHAVANI SUBBAROYAN,J.

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