



127 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

CWP-11118-2025 (O&M)
Date of Decision:24.04.2025

UNION OF INDIA AND ANOTHER

..... Petitioners

V/s.

RAM NIHOR AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE H.S. GREWAL

Present: Ms. Promila Nain, Advocate
for the petitioners.

Sanjeev Prakash Sharma, J. (Oral)

1. The issue raised by the petitioner is no more *res integra* in view of the judgment passed by Division Bench of the Madras High Court in case titled as “**Union of India Vs. Ranjit Singh Samuel and Others**” (W.P. Nos. 33946, 34602 and 27798 of 2014 decided on 14.02.2017) whereby it was held that the benefit granted under the erstwhile ACP Scheme is not required to be withdrawn on the basis of new MACP Scheme which has been introduced subsequently.

2. For the purpose of our order, it would be apposite to quote the observations of the Madras High Court wherein they have noticed the order of the learned Tribunal and then the proceeding to adjudicate. We do quote that part also so that there is no unambiguity:

“11. The respondents are directed to place the case of the applicants in both the OAs before the Screening Committee for consideration for grant to 2 financial upgradation under ACP Scheme on completion of 24 years of service, provided they had completed this period as claimed by them between January and April, 2009 i.e., prior to the issue of DOPT's OM dated 19.05.2009 by which MACP Scheme came to be introduced and if based on such consideration by the Committee, it is ordered to grant the above benefits, the benefits of financial upgradation under MACP Scheme, if extended



would have to be withdrawn. The above exercise shall be completed within a period of four months from the date of receipt/ production of a copy of this order. In the circumstances, there shall be no order as to costs.” 8. The learned Tribunal, while passing the directions, has also taken note of the fact that a similar application was decided by Chandigarh Bench of the Tribunal in favour of the employees holding that MACP Scheme cannot be applied retrospectively and it would applied only from the date of the Office Memorandum dated 19.05.2009. As against the order passed by the learned Tribunal, the present Writ Petitions are filed.”

- 3. The order impugned before us follows the aforesaid judgment and is maintaining consistency. Therefore, we do not propose to interfere with the order dated 01.10.2024 passed by the Tribunal.
- 4. Accordingly, the present petition is dismissed.

(SANJEEV PRAKASH SHARMA)
JUDGE

24th April, 2025

Sonia Puri

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(H.S. GREWAL)
JUDGE