

(2006) 01 GAU CK 0040

Gauhati High Court (Itanagar Bench)

Case No: Writ Petition (Civil) No. 504(AP) 0/2005

Shreegobinda Pal and Ors.

APPELLANT

Vs

State of Arunachal Pradesh and
Anr.

RESPONDENT

Date of Decision: Jan. 23, 2006

Citation: (2008) 2 GLR 324

Hon'ble Judges: I.A.Ansari, J

Bench: Single Bench

Advocate: B.L.Singh, T.Pertin, Advocates appearing for Parties

Judgement

Heard Mr. T. Pertin, learned counsel appearing on behalf of the petitioners and Mr. B.L. Singh, learned senior Govt. Advocate, appearing on behalf of the respondents. Having accepted the Assured Career Progression Scheme ("the ACP Scheme"), on a pattern, similar to the Government of India, the Government of Arunachal Pradesh has decided to follow the ACP Scheme as reflected by the Office Memorandum, dated 9.8.1999, issued by the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) Government of India. However, while the Junior Engineers, working in various departments of the Government of Arunachal Pradesh, who fall under GroupC of the ACP Scheme. have been given the benefit of the said Scheme, the petitioners, who have been functioning as Assistant Engineers in various Departments of the Government of Arunachal Pradesh and who fall under GroupB of the ACP Scheme have not been extended the benefit of the said Scheme. Terming the denial of the benefit of the ACP Scheme to the petitioners as arbitrary and discriminatory, the petitioners have approached this court with the help of their present writ petition seeking issuance of appropriate writ(s) commanding the respondents to grant a the financial benefits under the ACP Scheme to the petitioners in terms of the said Scheme.

By his letter, dated 10.5.2005, Joint Secretary, PWD, Government of Arunachal Pradesh, has, while declining to extend the benefits of the Scheme to the

petitioners, has stated as follows:

"... I am directed to inform that the proposal for grant of financial benefit to Assistant Engineer, under ACP Scheme has been examined by the O&M Department and has observed that the scale of pay of Assistant Engineers were enhanced from Rs. 6,50020010,500 to Rs, 8,00027513,500 PM vide Government order No. SPWD 040/9798/Pt1, dated 26.5.1998.

Therefore, after enhancement of pay scale of Assistant Engineer from Rs. 6,50020010,500 to Rs, 8,00027513,500 they will not be entitled to double benefit under the ACP Scheme."

On a careful reading of the contents of the letter, dated 10.5.2005, quoted hereinabove, it clearly transpires that the financial benefits of the Scheme have not been extended to the petitioners on account of the fact that the scale of pay of the petitioners had been enhanced. There is no dispute before this Court that the ACP Scheme has nothing to do with the enhancement of an individual's pay scale, for, the Scheme aforementioned compensates an employee for lack of promotional avenues.

In view of the above, it is abundantly clear that respondents/authorities concerned have misread and misconstrued the entire concept of the ACP Scheme and on such irrational, illogical and illegal ground, as the one, which the letter, dated 10.5.2005, aforementioned reflects, the* petitioners could not have been denied the benefit of the Scheme, when they, admittedly, fall under GroupB of the said Scheme.

Considering, therefore, the matter in its entirety and in the interest of justice, the impugned letter, dated 10.5.2005, aforementioned is hereby set aside and quashed. The respondents/authorities concerned are hereby directed to consider the cases of the petitioners in terms of the ACP Scheme in force and make necessary financial benefits available to them in this regard. The whole exercise, so directed, shall be completed within a period of three months from the date of receipt of a certified copy of this order by the respondent No. 1, namely, Chief Secretary, Government of Arunachal Pradesh.

With the above observations and directions, this writ petition shall stand disposed of.

No order as to costs.