

ITEM NO.6

COURT NO.9

SECTION IV-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 10442-10444/2022

(Arising out of impugned final judgment and order dated 28-09-2021 in MP No. 3174/2021 28-09-2021 in MP No. 3173/2021 28-09-2021 in MP No. 3182/2021 passed by the High Court Of M.P. Principal Seat At Jabalpur)

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

B. JAYATHI AIYER

Respondent(s)

(FOR ADMISSION and I.R. and IA No.83479/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 13-07-2022 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA
 HON'BLE MR. JUSTICE VIKRAM NATH

For Petitioner(s) Ms. Madhavi Divan, ASG
 Ms. Vimla Sinha, Adv.
 Ms. Rukmini Bobde, Adv.
 Ms. Nidhi Khanna, Adv.
 Mr. Mukesh Kumar Maroria, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
 O R D E R

Ms. Madhavi Divan, learned Additional Solicitor General, relies upon Clause 8 of the conditions of the grant of benefit under the Assured Career Progression Scheme [ACP Scheme], to contend that such clause has not been considered in the Judgment of this Court in Union of India & Ors. Vs. C.R.Madhava Murthy & Anr. reported in (2022) 6 SCC 183. On the other hand, in a Three-Judge Bench decision of this Court in Union of India & Ors. Vs. M.V.Mohanan Nair, reported in (2020) 5 SCC 421, the ACP Scheme has

been upheld, wherein clause 8 is mentioned.

The clause 8 reads as under :-

"8. The financial upgradation under the ACP Scheme shall be purely personal to the employee and shall have no relevance to his seniority position. As such, there shall be no additional financial upgradation for the senior employee on the ground that the junior employee in the grade has got higher pay-scale under the ACP Scheme."

It is further contended that FR-22 would not be applicable in view of the ACP Scheme, which specifically provides that the financial upgradation under the Scheme is personal to the employee. Therefore, mere fact that the junior employee has been granted the benefit of ACP Scheme, the Senior employee cannot claim parity with the Junior employee.

Issue notice.

The petitioner-Union of India shall file an affidavit explaining as to why the Juniors are getting more pay than the applicant(s) before the Central Administrative Tribunal.

(JAYANT KUMAR ARORA)
ASST. REGISTRAR-CUM-PS

(RENU BALA GAMBHIR)
COURT MASTER