

ITEM NO.26

COURT NO.4

SECTION XII-A

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 47562/2024

[Arising out of impugned final judgment and order dated 20-03-2024 in WP No. 45834/2018 passed by the High Court for The State of Telangana at Hyderabad]

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

Y. MADHAVA REDDY & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.275771/2024-CONDONATION OF DELAY IN FILING)

Date : 06-12-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s)

Ms. Aishwarya Bhati, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mrs. Chitrangda Rastaravara, Adv.
Mr. Vijay Awana, Adv.
Ms. Shagun Thakur, Adv.
Mr. Bhuvan Kapoor, Adv.
Ms. Riddhi Jad, Adv.

For Respondent(s)

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

Delay condoned.

2. Heard Ms. Aishwarya Bhati, the learned ASG, appearing for the petitioners.

3. Challenging the judgment dated 20.03.2024 of the Division Bench of the High Court, the counsel would argue that the direction given therein is contrary to the provisions of ACP/MACP Scheme. Moreover, implementing those may have cascading effect on different cadres in the Central Government service.

4. The learned ASG refers to the *Union of India vs. M. V. Mohanan Nair*

reported in 2020 5 SCC 421, where this Court held as under :-

56. The ACP Scheme which is now superseded by MACP Scheme is a matter of government policy. Interference with the recommendations of the expert body like the Pay Commission and its recommendations for the MACP Scheme, would have serious impact on the public exchequer. The recommendations of the Pay Commission for MACP Scheme has been accepted by the Government and implemented. There is nothing to show that the Scheme is arbitrary or unjust warranting interference. Without considering the advantages in the MACP Scheme, the High Courts erred in interfering with the Government's policy in accepting the recommendations of the Sixth Central Pay Commission by simply placing reliance upon Raj Pal case [Union of India v. Raj Pal, 2011 SCC OnLine P&H 14580] . The impugned orders [Union of India v. M.V. Mohanan Nair, 2013 SCC OnLine Ker 11713] , [Union of India v. Reeta Devi, CWP No. 24278 of 2013, order dated 7-11-2013 (P&H)] , [Union of India v. Rajini Kanta Deka, 2014 SCC OnLine Megh 269] , [Union of India v. M. Swarnalatha, 2016 SCC OnLine Hyd 746] , [Nagendra Pati Tripathy v. Union of India, 2016 SCC OnLine Pat 4799] , [Union of India v. G.V.S.S. Anand, 2016 SCC OnLine Hyd 745] cannot be sustained and are liable to be set aside.

5. The Senior Counsel then refers to the Modified Assured Career Progression Scheme Memorandum dated 19.05.2009 (Annexure P-1) and more particularly Clause 8 thereto and then points out that under the 6th Pay Commission, the higher grades of Master Craftsman and Chargeman (Tech) were both combined into with single grade pay. However this vital distinction on only single grade pay for two levels of workers, working in the Ordinance Factories of the Defence Establishment, was not appropriately appreciated by the Division Bench.

6. Issue notice, returnable in four weeks.

7. In the meantime, there will be an interim stay on the operation of the impugned judgment dated 20.03.2024.

(DEEPAK JOSHI)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
ASSISTANT REGISTRAR