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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/3628/2024

PUSHPENDU CHAKRABARTY
S/O- LATE PROMODE RANJAN CHAKRABORTY, R/O- 1ST LINK ROAD,
LANE, 10, HOUSE NO.5, BRAJA BHAWAN, SILCHAR, CACHAR, ASSAM, PIN-
788006

VERSUS

THE STATE OF ASSAM AND 8 ORS
REPRESENTED BY THE SECRETARY, TO THE GOVT. OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION, DISPUR, GUWAHATI, ASSAM, PIN-
781006

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI
ASSAM
PIN- 781019

3:THE DISTRICT COMMISSIONER
CACHAR
SILCHAR
ASSAM
PIN- 788001

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
CACHAR
SILCHAR
ASSAM
PIN- 788003

5:THE DEPUTY INSPECTOR OF SCHOOLS

SILCHAR
CACHAR
ASSAM

6:THE BLOCK ELEMENTARY EDUCATION OFFICER
NARSINGPUR
DIST. CACHAR
ASSAM

7:THE ACCOUNTANT GENERAL
ASSAM
(A AND E)
ASSAM MAIDAMGAON
BELTOLA
GUWAHATI
ASSAM
PIN- 781029

8:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
DEPARTMENT OF FINANCE
DISPUR
GUWAHATI
ASSAM
PIN- 781006

9:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
ADMINISTRATIVE REFORMS AND TRAINING
PENSION AND PUBLIC GRIEVANCE DEPARTMENT DISPUR
GUWAHATI
ASSAM
PIN- 78100

Advocate for the Petitioner : MR. B PURKAYASTHA, J.P. BARUAH

Advocate for the Respondent : GA, ASSAM, SC, AG (A AND E),SC, ELEM. EDU,SC, FINANCE

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 17.02.2026

Heard Mr. B Purkayastha, learned counsel for the petitioner. Also heard
Ms. S Chutia, learned standing counsel, Department of Elementary

Education, Assam appearing for respondent Nos. 1, 2, 4, 5, & 6 and Mr. B Sarma, learned standing counsel, Accountant General (A&E), Assam, appearing for respondent No. 7.

2. The petitioner, in the present proceedings, has prayed for a direction upon the respondent authorities, for authorizing to him, A.C.P.S benefits, in terms of the notification dated 25.05.2011, on completion of 10 (ten) years of service, with effect from the date of his initial appointment.

3. The petitioner, herein, was initially appointed as a Sub-Inspector of Schools w.e.f 05.11.1985. Thereafter, the petitioner was promoted temporarily to the post of Block Elementary Education Officer (B.E.E.O), vide the notification dated 12.05.2010. The temporary promotion of the petitioner was, subsequently, regularized vide issuance of a notification dated 04.03.2016, with effect from the date he had assumed the charge of post of Block Elementary Education Officer (B.E.E.O). The petitioner, on attaining the age of superannuation, had retired from his services on 31.08.2013.

4. The respondent authorities had introduced an Assured Career Progression Scheme (A.C.P.S scheme) vide issuance of a notification dated 25.05.2011 and therein, had stipulated that an employee, not being granted 2 (Two) promotions during his entire service career, would be entitled to the first A.C.P.S benefit on completion of 10 (Ten) years of service and the second one on completion of 24 (Twenty-Four) years of service. The benefits, under the said scheme, were to be extended to the employee concerned w.e.f 01.01.2011. The petitioner, as of 01.01.2011, only having been granted 1 (One) promotion i.e. from the post of Sub-Inspector of Schools to that of Block Elementary Education Officer (B.E.E.O) and he, being now entitled in terms of A.C.P.S scheme for being extended the benefits, thereunder, on completion of 10 (Ten) years of service with effect from the date of his initial engagement, had approached the authorities for being extended the said benefits. The prayer made by

the petitioner came to be rejected by the departmental authorities and that led to the institution of a Writ Petition before this Court being WP(C)/5150/2020.

5. A Co-ordinate Bench of this Court, vide order dated 06.12.2024, gave a final consideration to the claim made by the petitioner pertaining to his A.C.P.S benefits and had concluded that the petitioner was entitled to 1 (One) financial up-gradation under the A.C.P.S scheme. Accordingly, the respondent authorities were required to authorize to the petitioner, the A.C.P.S benefit, now found to be required to be authorized to him by this Court.

6. The petitioner, claiming that the respondent authorities had not authorized to him the financial up-gradation under the A.C.P.S scheme as of 01.01.2011, has instituted the present Writ Petition.

7. The learned counsel for the petitioner had contended that the A.C.P.S benefit was denied to him as of 01.01.2011 and has accordingly, submitted that a direction be issued to the respondents, for authorizing to him the said benefit, along with the consequential arrears of both pay and allowances as well as pension and pensionary benefits, as working out.

9. Mr. B Sarma, learned standing counsel, Accountant General (A&E), Assam has contended that the petitioner was granted the said A.C.P.S benefits w.e.f 01.01.2011 and his pay and allowances, till the date of his superannuation, was accordingly, recomputed along with the re-commutation of his pension and pensionary benefits. He submits that the pay slips for authorizing to the petitioner, the arrears, now working out, have also been issued. He further submits that the difference in the leave encashment benefits, required to be authorized to the petitioner, has also been authorized to him.

10. I have heard the learned counsel for the parties and have perused the materials available on record.

11. The grievance of the petitioner, as noticed hereinabove, is that he has not been given the A.C.P.S benefits w.e.f 01.01.2011. In terms of the provisions of the Revision of Pay Rules, 2008, which was made effective w.e.f 01.01.2006, the post of Block Elementary Education Officer (B.E.E.O) was authorized a Grade Pay of Rs. 4500/- (Rs. Four Thousand Five Hundred Only). It is on the basis of this Grade Pay and the fixation made in the corresponding pay band that the petitioner was authorized his pay and allowances.

12. Pursuant to the directions passed by the Co-ordinate Bench of this Court vide the order dated 06.02.2024 in WP(C)/5150/2020, it is seen that as of 01.01.2011, the petitioner was authorized the next higher Grade Pay in the applicable pay band. The petitioner who was earlier authorized a Grade Pay of Rs. 4500/- (Rs. Four Thousand Five Hundred Only), was now authorized the Grade Pay of Rs. Rs. 4600/- (Rs. Four Thousand Six Hundred Only). The authorization of Rs. 4600/- (Rs. Four Thousand Six Hundred Only) as the Grade Pay of the petitioner, is on account of the extension of the first financial up-gradation under the A.C.P.S scheme, as notified vide notification dated 25.05.2011. The said financial up-gradation granted to the petitioner, in the considered view of this Court, is in connosance with the A.C.P.S scheme as notified vide notification dated 25.05.2011. The petitioner, in the considered view of this Court, would not be entitled to any further higher Grade Pay, in as much as the Grade Pay as drawn by him prior to the grant of the A.C.P.S benefits was Rs. 4500/- (Rs. Four Thousand Five Hundred Only) and the next higher Grade Pay in the same Pay Band is Rs. 4600/- (Rs. Four Thousand Six Hundred Only), which was duly authorized to the petitioner. The petitioner, having been granted the said A.C.P.S benefits, and no further higher grade pay being required to be authorized to the petitioner, there would arise no occasion for any further re-commutation of the pay and allowances receivable by the petitioner w.e.f 01.01.2011 till the date of his superannuation and/or

re-commutation of his pension and pensionary benefits after his superannuation from service. Accordingly, the claim made in the present Writ Petition by the petitioner, in the considered view of this Court, would not mandate an acceptance.

13. Mr. B Purkayastha, learned counsel for the petitioner has submitted that the arrears of pay, as well as that of the pension and pensionary benefits to the petitioner, as commuted by the Accountant General (A&E), Assam, after authorizing to the petitioner his first financial up-gradation under the A.C.P.S scheme, has not been released to the petitioner. The said position is however, disputed by the learned counsel for the respondents.

15. Be that as it may, the petitioner, upon being authorized the Grade Pay of Rs. 4600/- (Rs. Four Thousand Six Hundred Only), w.e.f 01.01.2011, would be entitled to receive the consequential arrears of pay and allowances and also arrears of pension and pensionary benefits, and in the event, the arrears so working out have not been released to the petitioner, the same be released to him within a period of 30 (Thirty) days from the date of receipt of a certified copy of this order by the respondents.

16. With the above observations and directions, the present Writ Petition stands disposed of.

JUDGE

Comparing Assistant