

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 (Civil)...../2013

(CC 14477/2013)

(From the judgement and order dated 14/01/2013 in WPCT No.84/2009 of The HIGH COURT OF CALCUTTA)

UNION OF INDIA AND ANR

Petitioner(s)

VERSUS

JOYDEB BOSE

Respondent(s)

With I.A.1 (C/delay in filing SLP and c/delay in refiling SLP)

Date: 07/10/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE C. NAGAPPAN

For Petitioner(s) Mr.Rakesh Kr.Khanna, ASG
Ms.Niranjana Singh, Adv.
Mrs.Anjani Aiyangri, Adv.
Mrs. Anil Katiyar, Adv.

For Respondent(s) Mr.Uday Gupta, Adv.
Mr.Avinash Singh, Adv.
Mr.M.K.Tripathi, Adv.
Mrs. Sarla Chandra, Adv.

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

Delay condoned.

Having completed 24 years' service in June, 2002, the respondent filed an application before the Central Administrative Tribunal (for short, 'the Tribunal') for grant of benefit under the Assured Career Progression Scheme. The Tribunal allowed the application by observing that the benefit of scheme framed in 2002 had already been granted to similarly situated persons i.e. Veterinary Assistant Surgeons and there was no reason to discriminate the respondent. The Tribunal further held that the policy contained in Circular dated 03.11.2004 could not have been applied with retrospective effect so as to adversely affect the right of the respondent to get benefit under the Assured Career Progression Scheme.

The Division Bench of the High Court dismissed the writ petition filed by the petitioners and approved the order passed by the Tribunal.

We have heard Shri Rakesh Kr.Khanna, learned Additional Solicitor General and perused the record.

In our view, the Tribunal was right in observing that the instructions contained in Circular dated 03.11.2004 could not have been applied to the case of the respondent because he had completed 24 years' service in June, 2002 and became entitled to get the benefit under the scheme.

With the above observation, the special leave petition is dismissed.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master