

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6727 OF 2009

UNION OF INDIA & ORS. . . APPELLANT(S)

Versus

S. RAVI & ORS. . . RESPONDENT(S)

W I T H

SPECIAL LEAVE PETITION (C) NOS. 2606-2608 OF 2010

SPECIAL LEAVE PETITION (C) NO. 1492 OF 2014

SPECIAL LEAVE PETITION (C) NO. 1493 OF 2014

SPECIAL LEAVE PETITION (C) NO. 1494 OF 2014

SPECIAL LEAVE PETITION (C) NO. 1495 OF 2014

SPECIAL LEAVE PETITION (C) NO. 3459 OF 2014

SPECIAL LEAVE PETITION (C) NO. 13297 OF 2014

SPECIAL LEAVE PETITION (C) NO. 13548 OF 2014

SPECIAL LEAVE PETITION (C) NO. 13549 OF 2014

SPECIAL LEAVE PETITION (C) NO. 13550 OF 2014

SPECIAL LEAVE PETITION (C) NO. 16266 OF 2014

SPECIAL LEAVE PETITION (C) NO. 16279 OF 2014

SPECIAL LEAVE PETITION (C) NO. 19223 OF 2014

SPECIAL LEAVE PETITION (C) NO. 19227 OF 2014

SPECIAL LEAVE PETITION (C) NO. 19229 OF 2014

SPECIAL LEAVE PETITION (C) NO. 19231 OF 2014

SPECIAL LEAVE PETITION (C) NO. 19285 OF 2014

SPECIAL LEAVE PETITION (C) NO. 21988 OF 2014

SPECIAL LEAVE PETITION (C) NO. 23027 OF 2014

CIVIL APPEAL NO. 1005 OF 2013

CIVIL APPEAL NO. 5071 OF 2011

CIVIL APPEAL NO. 5924 OF 2014

CIVIL APPEAL NO. 5926 OF 2014

O R D E R

1. These appeals and special leave petitions are directed against the common judgment and order

passed by the High Court of Judicature at Madras in W.P. No.22111 of 2004 and other connected matters, dated 04.12.2006, thereby allowing the writ petitions filed by the respondents-herein.

2. The brief facts are that the respondents-herein were initially appointed in the Central Industrial Security Force (in short, "the CISF") as Constables. The Government of India had issued orders dated 09.08.1999 providing Assured Career Progression Scheme (for short, "the ACP Scheme") for the Central Government employees, whereby it was decided to grant two financial upgradations to the employees as recommended by the Fifth Central Pay Commission on completion of 12 years and 24 years of regular service respectively. The financial upgradation was to be granted from the date of completion of the eligibility period prescribed under the ACP Scheme or from the date of issue of the said order, whichever was later. It was stipulated that the financial upgradation

shall be available only if no regular promotions during the prescribed periods of 12 years and 24 years had been availed by the employee. It was further stipulated that fulfillment of the normal promotion norms was to be ensured for grant of benefits under the ACP Scheme.

3. All the respondents-herein had completed over 12 years of continuous regular service in the post of Constables. All of them were granted financial upgradation under the ACP Scheme, as they were all qualified, and had also undergone Promotion Cadre Course (for short, "the PCC").

4. The Deputy Inspector General (Personnel) issued proceedings dated 07.11.2003 directing that in view of the observations of Internal Audit Party of the Ministry of Home Affairs, it had been decided that the recovery of pay and allowances may be made pertaining to the period from the financial upgradation under the ACP Scheme to the

date of stoppage of such benefits on account of failure to submit medical unfitness certificate or expressing their inability to undergo the PCC on medical grounds. Pursuant to the said order, the Group Commandant issued an order dated 20.04.2004 directing cessation of the financial upgradation benefits with effect from the date on which they were granted, and the Deputy Commandant, CISF Unit, issued an order dated 15.07.2004 directing recovery of pay towards overpayment from the monthly salaries of July 2004 onwards. These orders were challenged under the Writ Petitions before the High Court.

5. The High Court in its impugned judgment and order held that the respondents-herein had passed the PCC, although several of them had initially expressed their inability to undergo the PCC, and others had failed one or two attempts, but had passed thereafter. As per the PCC Failure Policy of the CISF, personnels were allowed three

attempts to pass the PCC. The High Court was of the view that the appellants-herein were not justified in initiating recovery proceedings, and the order/proceedings impugned in the Writ Petitions before the High Court were quashed. Further, the appellants-herein were directed to grant financial upgradation under the ACP Scheme to the respondents-herein from the date of their eligibility.

6. Being aggrieved by the said judgment and order passed by the High Court, the appellants are before us in these Special Leave Petitions as well as appeals.

7. We have heard the learned counsels appearing for the parties to the *lis*.

8. After going through the impugned judgment(s) and order(s) passed by the High Court as well as the Courts below, we cannot find fault with the

impugned judgment(s) and order(s) passed by the High Court. The Appeals and the Special Leave Petitions, being devoid of any merit, are liable to be dismissed, and are accordingly dismissed.

9. We may note that this order is purely confined to the Writ Petitioners before the High Court.

Ordered accordingly.

.....CJI.
[H.L. DATTU]

.....J.
[ARUN MISHRA]

.....J.
[AMITAVA ROY]

NEW DELHI,
AUGUST 20, 2015.

ITEM NO.2

COURT NO.1

SECTION XII

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

Civil Appeal No. 6727/2009

UNION OF INDIA & ORS.

Appellant(s)

VERSUS

S.RAVI & ORS.

Respondent(s)

(With office report)

WITH

SLP(C) No. 2606-2608/2010

C.A. No. 5071/2011

C.A. No. 1005/2013
(With Office Report)

SLP(C) No. 1492/2014
(With Office Report)

SLP(C) No. 1493/2014
(With Office Report)

SLP(C) No. 1494/2014
(With Office Report)

SLP(C) No. 1495/2014
(With Office Report)

SLP(C) No. 3459/2014
(With Office Report)

C.A. No. 5924/2014

C.A. No. 5926/2014

SLP(C) No. 13297/2014
(With Office Report)

SLP(C) No. 13548/2014
(With Interim Relief and Office Report)

SLP(C) No. 13549/2014
(With Interim Relief and Office Report)

For Respondent(s) Mr. S. Beno Bencigar, Adv.
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Mr. S. Beno Bencigar, Adv.
Mr. Sanjay Kumar Visen, AOR

Mr. Sriram P., Adv.
Mr. B. Raghunath, Adv.
Mr. Vijay Kumar, AOR

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

The appeals and the special leave petitions
are dismissed in terms of the signed order.

This order is purely confined to the Writ
Petitioners before the High Court.

[Charanjeet Kaur]
A.R.-cum-P.S.

[Vinod Kulvi]
Asstt. Registrar

[Signed order is placed on the file]