

IN THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM: NAGALAND: MEGHALAYA: MANIPUR: TRIPURA:
MIZORAM AND ARUNACHAL PRADESH)
ITANAGAR PERMANENT BENCH

Appeal From
Writ Petition (Civil)

WPC) No.....434..... (AP) 2009

Arunachal Pradesh Civil Service Officers
Association

Appellant
Petitioner,

Versus

State of A.P. & 2 others

Respondent
Opposite Party.

Counsel for the Appellant
Petitioner.

Mr. C. Baruah Sr Adv.
Mr. R.K. Dutta
Mr. K. Dabi
Mr. Tony Perlin
" A.K. Singh
" A. Bhattacharjee
" S. Tapin
" Y. Karker

Counsel for the Respondent
Opposite Party.

GA (AP)

Noting by Officer or Advocate	Serial No.	Date	Office note, reports, orders or proceeding with signature
(1)	(2)	(3)	(4)

IN THE MATTER OF :-

Arunachal Pradesh Civil Service
Officers Association represented by Sri
Marto Riba, General Secretary,
Arunachal Pradesh Civil Secretariat,
Block No.17, Room No.5, Itanagar,
Arunachal Pradesh.

..... Petitioner.

-Versus-

1. State of Arunachal Pradesh,
represented by the Chief Secretary,
Govt. of Arunachal Pradesh, Itanagar.

2. The Commissioner/Secretary
(Finance),
Govt. of Arunachal Pradesh, Itanagar.

3. The Commissioner /Secretary(P & AR),
Govt. of Arunachal Pradesh, Itanagar.

..... Respondent.

**BEFORE
THE HON'BLE MR. JUSTICE HRISHIKESH ROY**

18.1.2011

The petitioner association constituted by Civil Service Officers under the Government of Arunachal Pradesh have approached the Court seeking direction for granting them Time Bound Promotional Scale, being granted to other comparable categories of Government servants, serving in different departments, like Works, Medical, Metrology, Agricultural, Forest, Accounts & Treasury Department etc. under the State.

2. Mr. T. Pertin, learned Counsel for the petitioner contends that the Civil Service officers at the entry level of service are categorized as Grade-'A' Officers and accordingly the benefits under the Assured Career Progress (ACP) Scheme or the modified ACP (MACP) Schemes, are not made available to the Members of the petitioner association. But considering the long delay in promotion from one rank to the higher rank for the Civil Service Officers, the benefit of Time Bound Promotional Scale, should be considered for the Civil Service Officers. The learned Counsel points out that the Government constituted *Sahoo Committee* had recommended withdrawal of the Time Bound Promotional Scale in the State of Arunachal Pradesh and although the State Cabinet on 7.6.2007 had accepted the said recommendation of the *Sahoo Committee*, the matter is being re-examined and roll back of the Time Bound Pay Scale benefits, has since been kept in abeyance. Mr. Pertin also submits that after the roll back decision was kept in abeyance, the benefit of Time Bound Promotional Scale has been granted to the additional categories of serving Government officers, in Veterinary and other departments.

3. In the counter affidavit filed by the State, Time Bound Promotional Scale for the certain categories of officers was supported on the ground of lack of promotional scope in certain departments. The State averred that benefits, either under the MACP Scheme (which provides for 3 financial upgradations at the interval of 10, 20 and 30 years of service) or the Time Bound Promotional Scales for the Civil Service Officers, is being examined by the Government through the High Level Standing Committee headed by the Chief Secretary of the State.

4. Mr. R.H. Nabam, learned Senior Government Advocate in course of the hearing has produced a copy of the communication dated 30th

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November, 2010 sent by the Personnel Department with the information that the High Level Standing Committee, after examining the grievances of the Civil Service Officers, had recommended granting of benefits under the MACP Scheme, in accordance with the recommendation of the VIth Pay Commission and the State Government is now actively considering the said recommendation of the High Level Committee. Accordingly the learned Government Advocate submits that since the decision involves financial implications, it would be appropriate to permit the Government to take a decision on the recommendation of the High Level Standing Committee.

5. Considering the relevant aspects on the service of the Civil Service Officers, pertaining to promotional opportunities, service benefits received by them vis-à-vis the benefits enjoyed by comparable categories of Government servants, the grant either of Time Bound Promotional Scale benefits or benefits under the MACP schemes in the Court's view, are best considered by the Government. Since the Government is actively considering the recommendation of the High Level Standing Committee, a direction is issued to the State Authorities to take a decision on the Committee's recommendation within a time bound period and preferably before 25.4.2011. It is ordered accordingly.

6. The writ petition is closed with the above order. A copy of the communication dated 30.11.2010 produced by Mr. Nabam should be kept in the case record. Copy of the order be furnished to the learned Senior Government Advocate, for necessary communication.


JUDGE

Datta