

13

O.A. No. 419 of 2006

Order dated: 17.03.2009

CORAM:

Hon'ble Mr. Justice K. Thankappan, Member(J)

Hon'ble Mr. C.R. Mohapatra, Member (A)

We have heard Mr. K.C. Kanungo, Ld. Counsel for the applicants and Mr. S.B. Jena, Ld. Addl. Standing Counsel for the Respondents.

2. The applicants are working as Departmental Canteen Employees of the Board of Directorates of Telecom Operative Canteen. The claim of the applicants is that they are entitled for the benefits of Assured Career Progression Scheme enunciated by the Govt. of India in the light of the judgment of the Hon'ble Apex Court given in Writ Petition (Civil) No. 6189-7044 and 8246-55 of 1983 (Chandra Kant Jha & Ors vs Union of India and Ors). Above order was on the judgment of the Hon'ble Apex Court in N.M.R. Khan & Ors vs Union of India & Ors reported in 1990 Suppl. SCC 191.

3. The matter was referred to the Government and now as per the Office Memorandum dated 25.07.2000, the Department of Personnel and Training has accepted the position and taken the view that the applicants are entitled



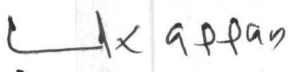
14

for the benefits, which they are claiming (i.e. from 26.09.1983) and further it is seen that as per the information furnished to Ld. Counsel appearing for the Respondents the same position was accepted and reiterated as per Letter No. 12/12/2006-Dir(C) dated 26.02.2009.

4. In the above circumstances, we are of the view that the O.A. can be allowed declaring that the applicants are entitled for the benefit of ACP and accordingly Respondents are directed to consider the matter afresh and pass appropriate order within 45 days from the date of receipt of a copy of this order. Ordered accordingly.

5. O.A. is accordingly disposed of. There shall be no order as to costs.


MEMBER (A)


MEMBER (J)

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