

ITEM NO.8 Court 6 (Video Conferencing) SECTION IV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 20885/2021

(Arising out of impugned final judgment and order dated 02-02-2021 in WP No. 9567/2019 passed by the High Court Of Karnataka At Bengaluru)

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

T. VENKATESH

Respondent(s)

(FOR ADMISSION and I.R.)

Date : 10-01-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Mr. K.M. Nataraj. Ld. ASG
Mr. Gurmeet Singh Makker, AOR
Mr. Bharat Singh, Adv.
Mr. Shailesh Madiyal, Adv.
Mr. Shubranshu Padhi, Adv.
Ms. Swati Ghildiyal, Adv.

For Respondent(s)

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

We are not in disagreement with the view sought to be propounded by the learned ASG that once a person gives up a promotion (as in the case of the respondent), there is no question of benefit of the Modified Assured Career Progression Scheme (MACP) to receive financial upgradation as the objective of

the Scheme is to give remedy in case of stagnation. The stagnation in the present case would not really arise because the promotion was given up. However, we find that it is an audit objection raised in 2017 which has given rise to the dispute where recovery was sought to be made for the period 2014 to 2017. We would not like the recovery now to be made against the respondent and that is the only reason we are not inclined to interfere with impugned order though we do not give our imprimatur to the impugned reasoning and set down what should be the principle of law to prevail.

We are thus, not inclined to interfere under Article 136 of the Constitution by clarifying the legal position.

The Special Leave Petition is, accordingly, dismissed.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[DIPTI KHURANA]
COURT MASTER (NSH)