

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO.1050/2022 (D.B.)

1. Dr. Anant Ishwarrao Dhattrak,
Age-56 Yrs, Occu - Assistant Professor in Civil
Engg., Res/o-26, Susanyog Colony,
Kathora road, Amravati, 444604.
2. Dr. Premchand Bhagwan Ambhore,
Age -50 Yrs, Occu- Assistant Professor in
Information Tech., Res/o-1-A,
Akshar Gruha Nirman Society,
Gulhanenagar V.M.V.Road, Amravati-444604
3. Mr. Kishor Narayan Tayade,
Age-49, Occu - Assistant Professor in Information
Tech., M-301, Mogra Building,
Jai Amba Garden City, Ring Road,
Amravati 444604
4. Mr. Ravi Vishwanath Mante,
Age - 39, Occu - Assistant Professor Computer
Engg., Plot No. 39, kalpana Nagar,
Behind Anand Vihar, Kathora Road,
Amravati 444604
5. Ms. Pushpanjali Munnalal Chouragade,
Age-33 Yrs, Occu - Assistant Professor Computer
Engg., 3B, Panchwati Colony,
behind Harshraj Colony, V.M.V Road,
Amravati-444604

6. Mr. Dilip Ramkrishna Uike,
Age-39 Yrs, Occu- Assistant Professor in
Information Tech., Res/o - F-1,
Sai sagar enclave-3, Sarvagya Vihar,
Shegaon Rahatgaon Road, Amravati, 444604
7. Dr. Ms. Shubhada Sudhakar Rao Thakare,
Age: 46 years, Occu - Assistant Professor in
Electronics Engg., Res/o: Shubhada S. Thakare
DiwanLav- Kush, Laxmivihar, near Ganesh colony,
Shilangan Road, Amaravati 444602
8. Mr. Lavkesh Ramesh Rao Wankhade,
Age -34 yrs, Occu- Assistant professor in Applied
Mechanics Department Vir Tanaji nagar Suraj
colony tower line kathora naka Amravati 444604
9. Mr. Bhushan Vitthal Rao Wakode,
Age - 39, Occu - Assistant Professor in Information
Tech., Res/o - Gurudev colony, VMV road, Amravati
10. Ms. Archana Devidas Wankhade,
Age -40 yrs, Occu Assistant Professor in
Information Tech., Res/o 1-A, Akshar Gurha
Nirman Society, Gulhanenagar V.M.V.Road,
Amravati-444604
11. Dr. Deepak Amrut Rao Zatale,
Age-47 yrs, Occu: Assistant Professor in Physics
Res/o: "KABEER-SAMRAT" Gokhale layout,
Plot No 11, Navsari, Amravati 444604

12. Dr. Kishor P. Wagh,
Age: 44 Occu - Assistant Professor in Information
Tech., Vijsnehi Colony, Kathora Road,
Amravati 444604
13. Ms. Archana Wamanrao Bhade,
Age - 43 yrs, Occu - Assistant Professor in
Information Tech., Res/o 4B Sakhai Residency,
Near Vithai Nagar, Kathora Road, Amravati,444604
14. Shantanu A. Lohi, Age: 40 yrs, Occu -Assistant
Professor in Information Tech., Res/o-Jai Amba
Garden City, Ring Road, Amravati, 444604
15. Ms. Radhika Ramdas Harne,
Age - 36 Yrs, Occu - Assistant Professor in
Electronics Engg., Res/o-70, Chaitanya Colony,
Old By-Pass Road, Amravati
16. Ms. Shweta Jeewandas Meshram,
Age - 43 Yrs, Occu - Assistant Professor Electronics
Engg., Res/o-1038, Gajanan Township No.5,
Kathora Road, Amravati
17. Ms. Sheetal P Bijawe,
Age - 44 years, Occu: Assistant Professor
Instrumentation, C/o Dr Dipak Shirbhate, Rachana
residency, Bhagya Nagar, camp, Amravati
18. Ms. Shilpa Pandit Tak, Age - 40 yrs,
Occu- Assistant Professor in Applied Mechanics
Department, Res/o c/o Mr. Saurabh A Malpani,
Vardhishnu Science Academy, Fouth lane,

Shubham layout, Behind Rathi Suzuki showroom,
Kathora road, Amravati, 444604

Applicants.

Versus

1. State of Maharashtra,
through its Principal Secretary,
Higher and Technical Education,
M.S. Mantralaya, Mumbai-32.
2. Director, Directorate of Technical Education (DTE),
M. S. 3, Mahapalika Marg, Mumbai 400001.

Respondents.

Shri S.Y.Deopujari, Ld. Counsel for the applicants.
Shri S.A.Deo, Ld. C.P.O. for the respondents.

Coram:- Hon'ble Shri Justice Vinay Joshi, Member (J) &
Hon'ble Shri Nitin Gadre, Member (A).

Dated:- 07th February, 2025.

JUDGMENT

Judgment is reserved on 30th January, 2025.

Judgment is pronounced on 07th February, 2025.

Per : Member (A)

Heard Shri S.Y.Deopujari, learned counsel for the
applicants and Shri S.A.Deo, learned C.P.O. for the respondents.

2. The applicants who are Assistant Professors in the Government Engineering Colleges, have filed an application dated 12.10.2022 regarding the implementation of the CAS scheme, in view of the AICTE guidelines. They are raising objection to the manner in which the Career Advancement Scheme (CAS) has been implemented by the State Government, during the 6th Pay Commission period. The relevant portion of their application is as follows :-

AICTE vide a Notification dated 8.11.2012 framed "All India Council for Technical Education (Career Advancement Scheme for the Teachers and other Academic Staff in Technical Institution) (Degree) Regulations, 2012 by which AICTE introduced certain norms for "Career Advancement Scheme" for the Teachers who wish to be considered for promotion under CAS.

Said guidelines were accepted and implemented by Respondent No.1/State after a gap of 3 years vide Government Resolution dated 17.10.2015 i.e. after a gap of 3 years with prospective operation. All advancements to higher grade pay scales in various cadres were to be effected on the basis of personal appraisal/confidential report of last five years, in accordance with the guidelines issued by the General Administration Department, Government of Maharashtra with respect to consideration of gradations in the annual performance appraisal for the promotion to the various posts. As per said G.R. the University/Institute concerned were to send a general circular inviting proposal for CAS twice in a year calling for applications from eligible candidates.

However, the Directorate of Technical Education (DTE) carried out the CAS promotions once in 2016 and for the second time the CAS proposals were called in the year 2019 which were

scrutinized and processed centrally at Regional Office, Pune in around October, 2021 and were submitted to Directorate of Technical Education for final processing and decisions on the basis of personal appraisal/confidential report of last five years, in accordance with the guidelines issued by the General Administration Department, Government of Maharashtra with respect to consideration of gradations in the annual performance appraisal for the promotion to the various posts and not on the basis of API/PBAS as no such guidelines of API/PBAS were issued by the State Government till then.

However, the Directorate of Technical Education (DTE) has carried out the CAS promotions once in 2016. For the second time the CAS proposals were called in the year 2019 which were scrutinized and processed centrally at Regional Office, Pune in around October, 2021 and were submitted to Directorate of Technical Education for final processing and decisions on the basis of personal appraisal/confidential report of last five years, in accordance with the guidelines issued by the General Administration Department, Government of Maharashtra with respect to consideration of gradations in the annual performance appraisal for the promotion to the various posts and not on the basis of API/PBAS as no such guidelines of API/PBAS were issued by the State Government till then.

AICTE by a Notification dated 1st March, 2019 published the All India Council for Technical Education Pay scales, service Conditions and Minimum Qualifications for Appointment of Teachers and other Academic Staff such as Library, Physical Education and Training and Placement Personnel in Technical Institutions and Measures for the Maintenance of Standards in Technical Education (Degree) Regulation, 2019 by which AICTE also recommended application of recommendations of 7th Central Pay Commission to the teaching and non-teaching staff to all degree level Technical Institutions and Universities.

Respondent No.1/State vide a Government Resolution dated 11/9/2019 made applicable the scheme of revision of pay scales as per recommendations of 7th Central Pay Commission vide Notification dated 1st March, 2019 of AICTE to all Teachers and equivalent cadres working in All Government and Non-Government aided Institutes and University affiliated autonomous Institutes conducting professional Degree courses.

Vide Clause 1.3(b) under the head "Effective Date of Application of Service Conditions" of the said G.R. it is specifically stated that "the qualifications, experience, Recruitment and promotions etc. during the period from 17.10.2015 to till the date of said Government Resolution shall be as per sixth pay commission and short term training programs as per the guideline issued by the State Government as per AICTE." In the same clause (b) it is made clear that "As the State Government did not issue the guidelines of API/PBAS, it shall be exempted."

Directorate of Technical Education has carried out CAS promotions once in the year 2016 and second time the CAS proposals were called in the year 2019 which were scrutinized and processed centrally at Regional Office, Pune around October 2021 and all such proposals were submitted to Directorate of Technical Education (DTE) including the proposals of applicants which are pending with the Directorate of Technical Education.

However before the decision is taken on the said CAS proposals the Respondent No.1/State Government has issued a Government Resolution dated 3.6.2022.

By said Government Resolution the Respondent No.1 has made retrospective implementation of stringent conditions which are virtually lead to impossibility in the matter of their fulfilment of academic performance evaluation by API/PBAS. Moreover due to issuance of said Government Resolution dated 3.6.2022, apparently

the entire exercise of obtaining and processing CAS proposals is scrapped which was carried since the year 2019 which was to the greater advantage to the teachers like the applicants as vide Circular dated 7.7.2022 fresh proposals for CAS promotions are now invited as per G.R. dated 3.6.2022.

Hence, the applicants have filed the present Original application on the facts and grounds mentioned therein.

3. In view of these issues, the applicants have sought reliefs as follows:

i) *It be declared that the action of the Respondent No.1 to issue a Government Resolution dated 3.6.2022 (Annexure A-12) amending G.R. dated 11.9.2019 retrospectively and subsequent Circular dated 7.7.2022 (Annexure A-13) inviting fresh proposals as per amendments made vide G.R. dated 3.6.2022 is illegal and unsustainable in the eyes of law under the facts and circumstances of the present case.*

ii) *the impugned Government Resolution dated 3.6.2022 (Annexure A-12) amending G.R. dated 11.9.2019 retrospectively and subsequent Circular dated 7.7.2022 (Annexure A-13) inviting fresh proposals as per amendments made vide G.R. dated 3.6.2022 be quashed and set-aside, as being unsustainable in the eyes of law and being issued with colourable exercise of power;*

iii) *the Respondents be directed to consider the proposal of the applicants for CAS promotion which are already pending with the Respondents, without considering the amendments made in G.R. dated 11.9.2019 vide G.R. dated 3.6.2022 and grant the said promotion as per earlier criteria regarding qualification and the earlier norms of evaluation of performance for grant of CAS promotions to the applicants;*

iv) *the Respondents be directed to complete the said exercise within a period of 3 months from the date of passing orders by this Hon'ble Tribunal,*

v) *any other relief this Hon'ble Tribunal deems fit and proper under the peculiar facts and circumstances of the case be granted to the Applicant in the interest of justice.*

(12) *Interim Relief sought for :-*

(i) *That the effect and operation of impugned Government Resolution dated 3.6.2022 (annexure A-12) amending G.R. dated 11.9.2019 retrospectively and subsequent Circular dated 7.7.2022 (Annexure A-13) inviting fresh proposals as per amendments made vide G.R. dated 3.6.2022 be stayed during the pendency of present application.*

4. The learned counsel for the applicants argued that it is not possible for the applicants to fulfill the requirements as per the guidelines issued by the State Government in the year 2022 and therefore these guidelines should not be considered retrospectively for the years 2015 to 2019 for implementation of CAS. This therefore becomes the main issue in this O.A.

5. The respondents have filed their detailed reply on 16.02.2023. The respondents have argued that the new scheme, as envisaged by the AICTE guidelines of the year 2012, is not being implemented on retrospective basis. The respondents claim that these guidelines were issued in the year 2015 itself and the

applicants were aware of these guidelines. The relevant portion of their reply is as follows:

23. At the cost of repetition it is submitted that, the API/PBAS system has been well defined in the G.R. of 2015 and the concerned teachers had to fill in the Form in the format which has to be certified by the Head of the Department and the Principal of Institute. As such the contentions of the Applicants that, the API/PBAS system has implemented for the first time in the year 2012 by issuing G.R. dt.3.6.2022 is far from truth. The contention of the Applicants in respect of G.R. dt.20.8.2010 issued by Respondent No.1 and the notification dt.5.3.2010 issued by AICTE are not disputed. However it is made clear that, the G.R. dt.20.8.2010 is issued by the answering Respondent No.1 in respect of revised pay scale as per the 6th Pay Commission based on the notification of the AICTE dt.5.3.2010. Thereafter on 8.11.2012 the AICTE has issued a notification whereby they have introduced API/PBAS system and the Applicants are well aware of the said notification issued by the AICTE which was accepted by the answering Respondent No.1 on 17.10.2015. As such by no stretch of imagination it is submitted that, the answering Respondents have not implemented the notification issued by the AICTE in respect of API/PBAS system at earlier point of time.

6. As mentioned earlier, the main issue in this O.A. pertains to implementation of the Career Advancement Scheme (CAS) during the 6th Pay Commission period. The facts of the case can be listed as follows.

(a) The AICTE had revised the pay-scales of Teachers and other cadres in the Diploma/ Degree level Institutions in Technical

Education regarding the 6th Pay Commission, by issuing Notifications in the year 2010. The Higher and Technical Education Department vide the G.R. dated 20.08.2010 started implementation of the 6th Pay Commission by revising pay-scales and other related schemes. Naturally, all the 5th Pay Commission related pay scales, schemes and other aspects got revised. The API/PBAS system for the Career Advancement Scheme (CAS) scheme in the 6th Pay Commission was declared by the AICTE for the Diploma and Degree education vide Notifications dated 8.11.2012. The State Government had issued a G.R. on 17.10.2015 to implement the new CAS guidelines in the State of Maharashtra. The relevant portion of the G.R. is as follows:

***Revised Conditions of Career Advancement Scheme (CAS)
under 6th Pay Commission:***

(A) Implementation details of the scheme:

i. Teacher who wishes to be considered for promotion under CAS should submit in writing to the University / College/ Institute, within three months in advance of the due date, that he/she fulfils all qualifications under CAS and submit to the University / College the Performance Based Appraisal System (PBAS) in a pro-forma as evolved by the concerned University/College duly supported by all credentials as per the Academic Performance Indicator (API) guidelines specified under Notifications in reference-4 &5.

iii. As AICTE has authorised the respective State Government/ Board of Governors to prescribe the constitution of "Screening-cum-

Evaluation Committee" for CAS promotions in Government/ aided institutes, As AICTE Universities, Deemed to be Universities and Autonomous Institutions, and as the power for the same and implementation of CAS scheme in autonomous Institutes participating in Technical Education Quality Improvement programme is vested with the Board of Governors of respective Institutes / Universities as mentioned in G.R. dated 23/10/2012. BOG/Executive Council of these Institutes/Universities shall constitute and decide CAS promotions at Institute level in accordance with AICTE Notifications in reference - 4 & 5. For all non-autonomous Government/ aided Institutes, the "Screening-cum-Evaluation Committee" for CAS promotions shall be constituted and promotions shall be decided at the level of Directorate of Technical Education.

ix. Candidates shall offer themselves for assessment for promotion, if they fulfil the minimum API scores indicated in the appropriate API system tables by submitting an application and the required PBAS pro-forma. They can do so three months before the due date of the promotion if they consider themselves eligible. In any event, the University / Institute concerned shall send a general Circular twice a year calling for applications for CAS from eligible candidates.

xiv. All advancements to higher grade pay scales in various cadres will be effected on the basis of personal appraisal / confidential report of last five years in accordance with the guideline issued by the General Administration Department, Government of Maharashtra with respect to consideration of gradations in the annual performance appraisal for the promotion to the various posts.

As per the Clause (ix), the candidates have to fulfill the minimum API scores indicated in the appropriate API system tables

by submitting application in the required PBAS pro-forma. As per the Clause (xiv), the personal appraisal/confidential reports shall be considered in accordance with the guidelines issued by General Administration Department. In addition, the candidates have to fulfill some other requirements to become eligible for the Career Advancement Scheme (CAS) as mentioned in this G.R.

(c) The Higher and Technical Education Department issued another G.R. on 11.09.2019 regarding revision of pay-scales, minimum qualifications for appointments, terms and conditions of Teachers and other academic staff in various colleges as per AICTE scheme regarding the 7th Pay Commission. The Clause 1.3 of the G.R. is as follows:

a) All other service conditions including Qualifications, Experience, Recruitment, Promotions etc. shall come into force with effect from the date of this Government Resolution.

b) The Qualifications, Experience, Recruitment and Promotions etc. during the period 17-10-2015 till the date of this Government Resolution shall be as per sixth pay commission and short term training programs as per the guideline issued by state government as per AICTE. As the state government didn't issue the guideline of API/PBAS, it shall be exempted.

However, the Average ACR during the reporting period shall be as the guideline issued vide G.R. dated 17-10-2015.

The Government has accepted in this G.R. that the State Government didn't issue the guidelines of API/PBAS earlier. Therefore, they were not to be considered for fixing pay scales in the 7th Pay Commission. In the last paragraph 10.0 of this G.R., it is stated as follows:

Government orders in respect of the measures required for enhancing and improving the quality of education shall be issued separately. All advancements to higher grade pays in various cadres will be effected subject to the minimum excellent (A) level of average confidential report, very good performance appraisal report through 360° feedback score and Career Advancement Schemes terms and conditions mentioned in this Government Resolution for various posts are being prescribed by the Government.

However, there are no guidelines pertaining to the CAS scheme for the 6th Pay Commission mentioned in this G.R. It can be noted that the 6th Pay Commission pay scales and related schemes were implemented vide G.R. dated 20.08.2010 and the G.R. dated 17.10.2015 gives the CAS guidelines for the 6th Pay Commission

period. Whereas, the G.R. dated 11.09.2019 is regarding implementation of pay-scales and schemes of the 7th Pay Commission.

(d) The State Government issued another G.R. on 03.06.2022 to amend the G.R. dated 11.09.2019 on retrospective basis. These amendments were made applicable to the both 7th and 6th Pay Commission periods. The relevant amendments regarding the CAS and API/ PBAS formats were introduced with retrospective effect. They are listed in the table given in the G.R. as follows-

Government Resolution No. सावेआ-११११/प्र.क्र. 44/19/तांशि-२, dated 11.09.2019 (Degree)		
Sr. No.	Read as	Instead of
1.	1.3 Effective date of application of Service Conditions (b) The qualifications, Experience, Recruitment and Promotions etc. during the period 17.10.2015 to 10.09.2019 shall be as per sixth pay commission and short-term training programmes as per the guideline issued by State Government as per AICTE. API/PBAS format framed by Directorate of Technical Education, M.S., Mumbai on the basis of AICTE guidelines will be applicable during the above period. However, the Average ACR during the reporting period shall be as per the guideline issued vide G.R. dated 17.10.2015.	1.3 Effective date of application of Service Conditions (b) The qualifications, Experience, Recruitment and Promotions etc. during the period 17.10.2015 to till the date of this Government Resolution shall be as per sixth pay commission and short-term training programmes as per the guideline issued by State Government as per AICTE. As the State Government didn't issue the guideline of API/PBAS, it shall be exempted. However, the Average ACR during the reporting period shall be as per the guideline issued vide G.R. dated 17.10.2015.
4.	Second Paragraph (Page 17 of 38)- Government orders in respect of the measures required for enhancing and improving the quality of education shall be issued separately. All CAS promotions in various cadres will be granted subject to the minimum Average ACR score of 5.5 on a 10 point scale	Second Paragraph (Page 17 of 38)- Government orders in respect of the measures required for enhancing and improving the quality of education shall be issued separately. All advancements to higher grade pays in various cadres will be effected subject to the minimum excellent (A) level of average confidential report, very good

	during the last five years, fulfilment of the requirements of 360° feedback score and other terms and conditions of Career Advancement Schemes mentioned in this Government Resolution.	performance appraisal report through 360° feedback score and Career Advancement Schemes terms and conditions mentioned in this Government Resolution for various posts are being prescribed by the Government.
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Government Resolution No. सावेआ-११११/प्र.क्र. 44/19/तांशि-२, dated 11.09.2019 (Diploma)		
Sr. No.	Read as	Instead of
1.	1.3 Effective date of application of Service Conditions- (b) The qualifications, Experience Recruitment and Promotions etc. during the period 17.10.2015 to 10.09.2019 shall be as per sixth pay commission and short-term training programmes as per the guideline issued by State Government as per AICTE. API/PBAS format framed by Directorate of Technical Education, M.S., Mumbai on the basis of AICTE guidelines will be applicable during the above period. However, the Average ACR during the reporting period shall be as per the guideline issued vide G.R. dated 17.10.2015.	1.3 Effective date of application of Service Conditions (b) The qualifications, Experience, Recruitment and Promotions etc. during the period 17.10.2015 to till the date of this Government Resolution shall be as per sixth pay commission and short term training programmes as per the guideline issued by State Government as per AICTE. As the State Government didn't issue the guideline of API/PBAS, it shall be exempted. However, the Average ACR during the reporting period shall be as per the guideline issued vide G.R. dated 17.10.2015.
3.	Second Paragraph (Page 18 of 38) - Government orders in respect of the measures required for n enhancing and improving the quality of education shall be issued s separately. All CAS promotions in various cadres will be granted subject to the minimum Average ACR score of 5.5 on a 10 point a scale during the last five years, fulfilment of the requirements of 360° feedback score and other terms and conditions of Career Advancement Schemes mentioned in this Government Resolution.	Second Paragraph (Page 18 of 38)- Government orders in respect of the measures required for enhancing and improving the quality of education shall be issued separately. All advancements to higher grade pays in various cadres will be effected subject to the minimum excellent (A) level of average confidential report, very good performance appraisal report through 360° feedback score and Career Advancement Schemes terms and conditions mentioned in this Government Resolution for various posts are being prescribed by the Government.

It is mentioned in this G.R. that the API/PBAS format shall be framed by the Directorate of Technical Education on the basis of AICTE guidelines and they will be applicable during the period from 17.10.2015 to 10.09.2019.

(e) Finally, the Director, Technical Education has issued a Circular dated 07.07.2022 giving various formats for the CAS implementation, to be filled by the candidates and it is made clear that these formats shall be considered for awarding the CAS promotions for the period from 17.10.2015 to 07.11.2015 as per the “5th Pay Commission” and during the period from 08.11.2015 to 10.09.2019 as per the 6th Pay Commission provisions.

6. The learned counsel for the applicants have argued that these formats were issued in the year 2022 and the candidates were not aware of the requirements to be fulfilled for getting the benefit of the CAS well in advance and therefore they cannot be evaluated based on these requirements on retrospective basis. The learned CPO has opposed this claim and submitted that the AICTE guidelines were available right from the year 2012 and G.R. dated 17.10.2015 had already declared that the CAS will be implemented as per the 2012, AICTE guidelines. Therefore, it is not correct for the applicants to claim that they were not aware of the requirements.

7. The G.R. for implementation of the 6th Pay Commission based on AICTE guidelines was issued by the Higher and Technical Education Department on 20.08.2010. It is mentioned in para 2 (a) regarding the CAS scheme that, "The upward moment from AGP of all Assistant Professors shall be subjected to their satisfying other conditions as laid down by the AICTE". Naturally, during the 6th Pay Commission period, the terms and conditions laid down for implementation of the 6th Pay Commission should prevail. The Government announced the terms and conditions vide G.R. dated 17.10.2015, but could not give the required PBAS/API formats, to the candidates for submission during the 6th Pay Commission period. The G.R. dated 11.09.2019 is essentially regarding implementation of the 7th Pay Commission scheme. This fact can be easily seen from the title of this G.R. However, vide G.R. dated 3.06.2022, the Government has tried to modify the G.R. dated 11.09.2019 and make these modifications applicable to the 6th Pay Commission period 17.10.2015 to 10.09.2019 by amending Clause 1.3. The title of the G.R. dated 03.06.2022 therefore mentions that this is applicable to both the 6th and 7th Pay Commission periods. In view of the G.Rs. dated 17.10.2015, 11.09.2019 and 3.06.2022, the Director, Technical Education has issued a Circular on 07.07.2022 giving various formats

regarding the CAS scheme. However, formats issued by the Director dated 07.07.2022 seem to have been made applicable to the period 17.10.2015 to 07.11.2015 of the “5th Pay Commission” and 08.11.2015 to 10.09.2019 of the 6th Pay Commission. The applicants have submitted that as these formats circulated in 2022 were not available during the 6th Pay Commission period, they should not be evaluated for the period from 2015 to 2019, based on these formats.

8. Every Pay Commission revises the pay structure and various related schemes. It is possible that with revision of pay-scales, revised yardsticks are suggested for the new or the revised schemes such as the CAS. To become eligible for the benefits of the revised scheme, the candidates have to satisfy the requirements of the revised scheme. It is also possible that some candidates who are eligible for such schemes by guidelines of a particular pay commission are not eligible as per the guidelines of another pay commission. Hence, it is necessary that guidelines along with the required formats of schemes such as CAS in a particular pay commission are announced before the scheme is implemented or at least during the period when it is applicable. Then, the candidates have opportunity to upgrade themselves and take steps to meet the

new requirements and become eligible to get benefit of the new scheme.

9. In view of the above discussion, we pass the following order restricted to the retrospective effect to the provisions of the G.R. dated 03.06.2022. The other reliefs sought by the applicants are a matter of Government policy and the Government can take appropriate decision in this regard.

ORDER

1. The O.A. is partly allowed.
2. We hereby hold and declare that the relevant provisions of G.R. dated 03.06.2022 pertaining to implementation of PBAS/API system and other related conditions have no retrospective effect for the period from 17.10.2015 to 10.09.2019 for implementation of the CAS Scheme.
3. The Circular issued by the Director, Technical Education dated 07.07.2022, based on the G.R. dated 03.06.2022, is hereby quashed and set aside.
4. No order as to costs.

(Nitin Gadre)
Member(A)

Dated – 07/02/2025
rsm.

(Justice Vinay Joshi)
Member(J)

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Raksha Shashikant Mankawde.

Court Name : Court of Hon'ble Member (J)
& Hon'ble Member (A).

Judgment signed on : 07/02/2025.

and pronounced on