

**CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00152/2019

DATED THIS THE 31<sup>ST</sup> DAY OF DECEMBER, 2019

**HON'BLE DR.K.B.SURESH, MEMBER (J)**

**HON'BLE SHRI C.V. SANKAR, MEMBER (A)**

Shri S. Prakash, 45 years,  
S/o Shri Swamygowda,  
Occn: Chowkidar,  
Jawahar Navodaya Vidyalaya (JNV)  
Mavinakere Post,  
Holenarasipura Taluk,  
Hassan District: 573 211

.....Applicant

(By Advocate Shri P.A. Kulkarni)

Vs.

1. The Commissioner  
Navodaya Vidyalaya Samiti,  
B 15, Institutional Area, Sector 62,  
NOIDA: 201 307  
District Gautam Budh Nagar, (U.P.)

2. The Deputy Commissioner  
Navodaya Vidyalaya Samiti,  
Hyderabad Region,  
N.L.I. Buildings, Nalagandla Road,  
Post & Village: Gopanpally,  
Rangareddy District,  
Hyderabad: 500 107,  
Telangana State.

3. The Principal,  
Jawahar Navodaya Vidyalaya (JNV)  
Mavinakere Post,  
Holenarasipura Taluk  
Hassan District: 573 211

.....Respondents

(By Shri V.N. Holla, Counsel for Respondents No. 1 to 3)

O R D E R (ORAL)  
(HON'BLE DR. K.B. SURESH, MEMBER (J)

Heard. The matter is in a very small compass. The benefit under the MACP has not been given to the applicant based on the fact that the report on him was not satisfactory. But then, for a Group D employee, this satisfaction does not arise at all. Therefore, there is no merit in the contention raised by the respondents. The applicant is held to be eligible to receive the benefit under law. It is to be extended to him within the next two months.

2. At this point of time Shri V.N. Holla, learned counsel for the respondents, raises a point that if such type of employees are not held responsible and accountable for their performance in work, it will be a severe blow against greater public interest. We are in agreement with this proposition. If the employer is not satisfied with the performance of the employee, then, due process under law is available to them which they may have recourse to. But this benefit cannot be held back from him on the basis of non-performance.

3. The OA is therefore allowed. No order as to costs.

(C.V. SANKAR)  
MEMBER (A)

(DR.K.B.SURESH)  
MEMBER (J)

**Annexures referred to by the applicant in OA No. 170/00152/2019**

Annexure A1 Copy of the ACP Scheme dated 09.08.1999

Annexure A2 Copy of the MACP Scheme dated 19.05.2009

Annexure A3 Copy of the order dated 09.02.2018

\* \* \* \* \*