

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.40/412/2016

Date of Order: This the 13th Day of February, 2018.

HON'BLE SHRI UDAY KUMAR VARMA, ADMINISTRATIVE MEMBER
HON'BLE SHRI S.N.TERDAL, JUDICIAL MEMBER

Sri Arban Ali

S/O Late Abdul Hussain

Village-Sila (Koroibari)

P.O.Changsari, Kamrup Pin:781101

... Applicant

Dr.J.L.Srkar

-Versus-

1. The Union of India
Through the Directorate General
All India Radio, Akashvani Bhawan
Parliament Street, New Delhi-110001
2. Directorate General
All India Radio, Akashvani Bhawan,
Parliament Street, New Delhi-110001.
3. Deputy Director (E)
All India Radio, Chandmari
Guwahati-781003
4. Additional Director General (E) (NEZ)
All India Radio & Doordarshan,
Zoo Road, Guwahati-781024
5. The Executive Engineer (C), CCW
All India Radio, Bamunimaidan,
MRD Road, Guwahati-781021 ... Respondents

Mr.R.Hazarika, Addl.C.G.S.C.

ORDER (ORAL)

Per Hon'ble Mr.Uday Kumar Varma, Member(A):

1. This O.A. relates to the grant of 3rd MACP to the Applicant who was appointed as a Work-charged Driver in the Civil Construction Wing of All India Radio, Guwahati on 04.8.1984 and was transferred to the office of the Additional Director General (E), All India Radio, Guwahati w.e.f. 28.11.2003 in a regular capacity. He claim that he was granted 1st Financial upgradation under ACP Scheme w.e.f 9.8.1999 and 2nd financial upgradation under MACP Scheme w.e.f. 1.9.2008. He is claiming 3rd financial upgradation under MACP Scheme due w.e.f. 4.8.2014 when he has completed 30 years of regular service. The Applicant has submitted a representation dated 24.5.2016 to the Deputy Director (E) AIR, Guwahati seeking grant 3rd Financial upgradation under MACP Scheme, which the respondents have not decided.

2. The Respondents in their written statement have disputed the claim of the Applicant. Their contention is that the Applicant was a Work-charged Driver but later became a regular Driver and further that his financial upgradation are covered under a separate Time Bound Promotion Scheme specially created for the Drivers of employed in the

Central Government. It is their contention that the Applicant is not covered under the ACP/MACP Scheme of the Government of India.

3. During the course of the arguments an office Memorandum dated 30.07.2010 was brought to our notice. This office Memorandum deals with the subject of extension of Modified Assured Career Progression Scheme to the Staff Car Driver of Central Government. This circular provides that benefit of MACP could also be extended to regular Staff Car Driver as a fall back option, if they are unable to get promotion within the percentage based present system. The relevant paragraph of the O.M. dated 30.07.2010 is reproduced below:-

“2. In pursuance of the decision taken in the meeting of the Departmental Council (JCM) of Department of Personnel & Training held on 08.05.2010 in respect Agenda item No.5731. It has been decided in consultation with the Department of Expenditure, the benefits of the MACPS shall also be extended to the regular Staff Car Drivers of the Central Government Ministries/Departments/Offices, as a fall back option, if they are unable to get promotion within the percentage based present system.”

4. Mr.R. Hazarika, learned Addl.C.G.S.C. for the Respondents also agrees to the existence of this DOPT's Circular dated 30.07.2010 to give a fall back option, to such employee of the Central Government Department, if they are unable to get promotion. He further submits

that the Respondents are willing to consider the representation of the Applicant keeping in mind the above circular and other such relevant rules to decide the case of the Applicant within 10 weeks from today.

5. Given this assurance, we direct the Respondent No.4 Additional Director General (E) (NEZ) All India Radio, Banunimaidan, MRD Road, Guwahati to consider the representation dated 24.5.2016 made by the Applicant and to take a decision on the same in the light of rules and regulations and the law in this regard as also keeping in view the above mentioned DOPT Circular and to decide the representation within 10 weeks from today by passing a reasoned and speaking order.

6. The Applicant has been claiming this benefits since a long time and therefore, the respondents shall adhere to the time line as assured by them and as reflected in the preceding paragraph. We may, however, add that the above direction to the respondents in no way, be construed as our opinion on the merits of the case.

7. O.A., accordingly, disposed off. No order as to costs.

(S.N.TERDAL)
JUDICIAL MEMBER

(U.K.VARMA)
ADMINISTRATIVE MEMBER

LM