

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**JODHPUR BENCH**

...

**OA No.290/00412/2015**  
**MA No.290/00219/2017**

**(Reserved on : 11.02.2020**  
**Pronounced on : 25.02.2020**

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**CORAM: HON'BLE SMT. HINA P. SHAH, MEMBER (J)**  
**HON'BLE SMT. ARCHANA NIGAM, MEMBER (A)**

...

1. Laxmanlal Parihar S/o Chunnilal, aged about 61 years, last employed on the post of Mail/Ex Guard in the office Station Superintendent, Abu Road, NWR.
2. Sukanlal Morwal S/o Kishanlal, aged about 61 years, last employed on the post of Mail/Ex Guard in the office Station Superintendent, Abu Road, NWR.
3. Mohd. Ibrahim Khan S/o Safi Mohd. Khan, aged about 58 years, at present employed on the post of Mail/Ex Guard in the office Station Superintendent, Abu Road, NWR.
4. Tulshi Ram S/o Guljarilal Sharma, aged about 60 years, at present employed on the post of Mail/Ex Guard in the office Station Superintendent, Abut Road, NWR.
5. Bheru Snigh S/o Narsingh, aged about 57 years, at present employed on the post of Mail/Ex Guard in the office Station Superintendent, Abu Road, NWR.
6. Arjun Singh Rathore So Laxman Singh Rathore, aged about 47 years, at present employed on the post of Mail/Ex Guard in the office Station Superintendent, Abut Road, NWR.
7. Sunil Kumar Jain S/o P.C. Jain, aged about 55 years, at present employed on the post of Mail/Ex Guard in the office Station Superintendent, Abu Road, NWR.
8. Shivraj Singh Chouhan S/o Jagannath Singh Chouhan, aged about 57 years, at present employed on the post of Mail/Ex Guard in the office Station Superintendent, Abu Road, NWR.
9. Mithulal Lohar S/o Radha Kishan, aged about 58 years, at present employed on the post of Pass Mail/Ex Guard in the office Station Superintendent, Abu Road, NWR.
10. Heeranand Aswani S/o Matharam Aswani, aged about 49 years, at present employed on the post of Mail/Ex Guard in the office Station Superintendent, Abu Road, NWR.

11. Puran Singh Parihar S/o Chhelsingh Parihar, aged about 61 years, at present employed on the post of Sr. Pass Guard in the office Station Superintendent, Abu Road, NWR.
12. Shankar Singh B. S/o Bheru Singh, aged about 58 years, at present employed on the post of Pass Guard in the office Station Superintendent, Abu Road, NWR.
13. Anuj Jain S/o Trilok Chand, aged about 48 years, at present employed on the post of Pass Guard in the office Station Superintendent, Abu Road, NWR.
14. Harinarayan Chandel S/o Gopilal, aged about 52 years, at present employed on the post of Pass Guard in the office Station Superintendent, Abu Road, NWR.
15. Bharat Shusar Arora S/o Manoharial, aged about 47 years, at present employed on the post of Pass Guard in the office Station Superintendent, Abu Road, NWR.
16. Rishabh Sagar Yati S/o Jineshchand ABR, aged about 48 years, at present employed on the post of Goods Guard in the office Station Superintendent, Abu Road, NWR.
17. Dinesh Kumar Shandilya son of Shri Jai Pal Singh, aged about 52 years, at present employed on the post of Pass Guard in the office Station Superintendent, Abu Road, NWR.

Address for correspondence:

C/o Mohd Ibrahim Khan, Bungalow No.P-58, Railway Colony, Abu Road.

**...APPLICANTS**

BY ADVOCATE : Mr.J.K. Mishra.

**VERSUS**

1. Union of India, through General Manager, HQ Office, North-Western Railway, Malviya Nagar, Near Jawahar Circle, Jaipur-17.
2. Divisional Railway Manager, North-West Railway, Ajmer Division Ajmer.

**RESPONDENTS**

BY ADVOCATE: Mr. R.K. Soni, for R1 & R2

**ORDER**

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**Hon'ble Smt. Archana Nigam, Member (A):-**

1. The present Original Application (O.A.) has been filed by the applicants under Section 19 of the Administrative Tribunals Act, 1985, wherein the applicants are seeking the following reliefs:

- "8(i) That the applicants may be permitted to pursue this joint application on behalf of 17 applicants under Rule 4(5) of CAT Procedure Rules, 1987.
- (ii) That impugned circular dated 09.06.2015 (Annexure A1) and order dated 23.09.2015 (Annexure A2) and all subsequent orders thereof, if any passed, may be declared illegal, against the provisions of MACP Scheme and the same may be quashed.
- (iii) That the respondents may be directed to restore the due benefits of MACP granted to the applicants vide letter dated 06.03.2011 (Annexure A5) by applying the ratio of judgment of Hon'ble Allahabad High Court in the case of Union of India through G.M., E.C.R. and Ors., Vs. Central Administrative Tribunal & Ors., vide judgment dated 09.07.2013, supra, and as upheld by Apex Court and applicants be allowed with all consequential benefits including the refund of amount recovered in pursuance of the impugned orders. (iii) That any other direction, or orders may be passed in favour of the applicants, which may be deemed just and proper under the facts and circumstances of this case in the interest of justice."

2. The present OA has been made against the Order No.656/ET/MACP/Guard dated 09.06.2015, passed by 2<sup>nd</sup> respondent (Annexure A1) and Order No.656/ET/MACP/Guard/1, dated 23.09.2015, passed by 2<sup>nd</sup> respondent (Annexure A2).

3. The facts of the present case as narrated by the applicants are that the applicants are presently holding/held in the past, the post of Guard Mail/Pass/Goods and posted at various offices in the Railway Department. The restructuring scheme vide RBE No.19/93 dated 27.01.1993, the posts Goods Guards and Passenger Guards were

upgraded to the extent of 20% and the persons falling in the seniority up to the said percentage were to be given the pay in the pay scale meant for the next higher post, on the basis of seniority cum suitability. In the beginning no designation was given. The word 'Senior' was directed to be affixed with the normal designation of the post of such persons vide RBE No.106/1993 (Annexure A3). Pay fixation benefits were admissible to lateral induction but not when one is actually promoted in the same pay scale after induction.

4. The eligible Goods Guards/Pass enjoyed the due benefits of said upgradation and the details of the same are reflected in letter dated 10.10.2012. With effect from 01.01.2006, the pay scales of all the posts of Guards except Goods Guards were revised to Rs.9300-34800 + GP Rs.4200 with an allowance of Rs.500 Mail Guard, respectively, (not constituting part of pay except for DA). There was a merger of their pay scales and hence the scheme of previous percentage based upgradation was given good bye. The pay scales for Guard category, prior to implementation of recommendations of 6<sup>th</sup> CPC, were as under:-

i)	Mail Guard	Rs.5500-9000
ii)	Sr. Pass Guard	Rs.5500-9000
iii)	Passenger Guard	Rs.5000-8000
iv)	Sr. Goods Guard	Rs.5000-8000
v)	Goods Guard	Rs.4500-7000

The Railway Board vide circular dated 10.06.2009 adopted the MACP Scheme issued by DOPT Govt. of India in pursuance with the recommendations of 6<sup>th</sup> CPC (Annexure A4). The MACP Scheme envisages for allowing three financial upgradations after completion of 10, 20 & 30 years of service as per the eligibility conditions mentioned therein. The same became applicable to the Guard category also.

5. It is further stated that the applicants were allowed due fixation of revised pay and allowances including the benefits of 2<sup>nd</sup> / 3<sup>rd</sup> financial upgradation in the scale of Rs.9300-34800 + GP of Rs.4200 to the grade pay of Rs.4600 and 4800 as per their entitlements, under MACP Scheme as mentioned in the impugned order dated 15.05.2013, in column formerly paid financial benefits. 3<sup>rd</sup> respondent issued an order dated 15.05.2013, whereby the benefits, if MACP granted to the applicants and other Guards have been ordered to be withdrawn with consequential recoveries in pursuance of Railway Board Circular dated 10.02.2011. The controversy involved in this case has already been settled by the Hon'ble Allahabad High Court in Writ –A No.18244 of 2013 (UOI & Ors. Vs. C.A.T. & Ors.) vide judgment dated 09.07.2013. The judgment dated 24.08.2012 of the C.A.T Allahabad as upheld by the Hon'ble Allahabad High Court vide judgment dated 09.07.2013 has already been implemented unconditionally and with any reservation vide letter dated 22.05.2013, issued by DPO Eastern Central Railway Mughalsarai. SLP against the judgment of Allahabad High Court has also been dismissed.

6. They filed OA which was disposed of vide order dated 10.03.2014 with a direction to the respondents to decide the representation of the applicants. Thereafter, the applicants submitted a detailed representation vide letter dated 15.03.2014 (Annexure A8). The respondents did not comply with the aforesaid order and the applicants resorted to filing of a CP No.62/2014 before this Tribunal. 2<sup>nd</sup> respondent was passed an order dated 10.09.2014 with the approval of 1<sup>st</sup> respondent and decide the representation of the applicants in their

favour. The order was passed and the benefits of MACP given in grade pay of Rs.4600/4800 were restored with only subject to outcome of appeal. With this implementation, the CP was disposed of vide order dated 20.11.2014 (Annexure A10).

7. It is also further stated that the Railways challenged the order dated 10.03.2014 of this Tribunal before the Hon'ble Rajasthan High Court at Jodhpur in DB CWP No.1786/2015. Thereafter, the CWP was finally dismissed vide judgment dated 03.04.2015 and the order of this Tribunal upheld by the Hon'ble High Court. On the other hand, 2<sup>nd</sup> respondent passed another order on dated 09.06.2015 (Annexure A1), without making any reference to the order dated 10.09.2014, supra, and has rejected the representation of the applicants. The case of the applicants is not regarding grant of promotion but of grant of benefits under MACP Scheme. They have no grievance against RBE Circular dated 03.09.2009. The higher grade pay is permissible under MACP scheme when the grade pay for promotional post may be lower. The Railway Board have issued a clarification dated 05.03.2013 (Annexure A11) and on the basis of which the grade pay can be fixed at higher stage to the grade pay admissible on highest promotion.

8. The benefits under ACP were given on the basis of promotional hierarchy and in case no promotional avenue, the next pay scale was to be given. On the other hand, the MACP is to be granted on the basis of Grade Pay hierarchy i.e. only in the next higher grade pay. The order of withdrawal was passed on the basis of RBE No. 10.09.2009 which was dealt with by the Allahabad High Court in the case and set at rest. But the impugned order is now sought to be justified on the subsequent

circular dated 17.12.2012 which even did not exist when the main order was passed. Some of the similarly situated Guards of Bikaner Division of NWR have filed their case before this Tribunal, against withdrawal of MACP benefits and rejection of their representation and have insisted for grant of stay order as due benefits had been given to the Guards of Ajmer Division to which the applicants belong. This has resulted into issued an order dated 23.09.2015 (Annexure A2) in reference to order dated 09.06.2015, the earlier 15.05.2013 has been ordered to be given effect to in case of applicants. Therefore, the applicants have left with no option except to approach this Tribunal again for redressal of their grievances. Hence the OA.

9. The respondents have filed Miscellaneous Application bearing No.290/00219/2017 under Section 22 of the Central Administrative Tribunal's Act, 1985, for modification of the interim relief order dated 16.10.2015.

10. In the written statement filed on behalf of the respondents, it has been stated that there are no justifiable and adducible grounds available to the applicants to challenge the withdrawal of benefits of financial upgradation granted under MACP Scheme: Guards: Re-fixation of pay and recovery vide Annexure A1 and A2 dated 09.06.2015 and 23.09.2015 respectively. It is denied for a simple reason that by RBE No.19/93 dated 27.01.1993, the financial upgradation has been allowed to the staff working in driver/guard category with the benefit of pay fixation. The policy contained in the RBE 19-93 has the same purpose as provided in the MACP Scheme. Both policies provide financial upgradation. It is not correct to allege by the applicants that there was

a merger in the category of guard but the financial upgradation allowed before MACP Scheme and the scheme is still available in the category of the Guard.

11. It is further stated that the grades/posts of Guards category has not been merged but has been retained as distinct grades/post in their promotional hierarchy as per recruitment rules for the cadre. Evidently, the case of guards category is covered with Para 8 (RBE No.101/2009 (Annexure A4 dated 10.06.2009) relating to such cadre where promotional posts has been retained as distinct grade of cadre as per their promotional hierarchy. The alleged benefits so given to the applicants were withdrawn vide letter dated 15.05.2013 (Annexure A6) as per the clarification received from the Railway Board vide letter dated 13.12.2012 (Annexure R3). As per relevant recruitment rules the post of passenger guard is promotional post though in the same grade pay and therefore the case of applicants category falls within the purview of Para 8 of the instructions. The recruitment rules for applicants category the further next promotion to the post of Mail/Express Guards is also in the same grade pay of Rs.4200/-. The Railway Board instructions dated 13.12.2012 (Annexure R3) which relates to the cadres where feeder and promotional posts are in same grade pay and therefore is relevant to the applicants category of the guard was not available before Hon'ble Allahabad High Court while deciding the CMWP No.18244/2013 and hence the order passed by the Court being a decision per in-curium does not come to the rescue to the applicants. The decision is per in-curium also on the ground for it being based on isolated interpretation of one single instruction relating to the MACP Scheme without taking



into cognizance the other interrelated instructions which has resulted into nullifying the instructions contained in Para 8 of the Scheme.

12. It is also further stated that the order dated 22.02.2012 of CAT Ernakulam has stayed the order dated 22.02.2012 on an appeal submitted by Southern Railway Administration before the Court and hence due to operation of the stay order passed by the Court it also does not come to the rescue to the applicants. The answering respondents decided the representation of the applicant vide order dated 09.06.2015 apprising them with detailed and speaking order taking into all considerations as directed by the Hon'ble High Court of Rajasthan at Jodhpur, vide Annexure A1 that the claim of the applicants has not been found feasible for acceptance and hence they are not eligible for grant of MACP in grade pay of Rs.4600 and Rs.4800. The order dated 09.06.2015 was passed in compliance to the order issued by the Hon'ble High Court, at Jodhpur in DB CWP No.1787/2015 and the same has been kept in abeyance due to currency of interim order dated 16.10.2015 passed by this Tribunal in the present OA. It is denied for the reasons that the answering respondents admit the contents of the Annexure A2 dated 23.09.2015.

13. In the rejoinder, it has been stated that one of the similar issue came up for adjudication before this Tribunal and the full bench judgment vide dated 03.04.2015 in OA No.58 of 2006, Naresh Pal & Ors. Vs. UOI & Ors. has settled the same and decided in favour of applicants therein and the issue does not remain res-integra has been stayed by the Hon'ble Rajasthan High Court at Jodhpur vide order dated 04.07.2015 in DB CWP No.6856/2015. The only reasons was R/Bd

circular dated 10.02.2010, which said that from Sr. Goods Guard to Passenger Guard was a promotion in the same grade pay and that issue has been set aside at rest Hon'ble Allahabad High Court holding that it was not a promotion but a lateral induction and the same has been upheld by the Apex Court. The same issue has also been elaborately examined by Hon'ble MP High Court in WP No.13031/2013 (UOI Vs. K. Bhaskaran) and set at rest vide judgment dated 20.11.2015. The various posts mentioned therein do not have any regular promotions to the higher grade pay than that of Rs.4600/4800 but under MACP Scheme they have been permitted higher grade pay since they are appointed to higher grade post in the cadre and having no further channel of promotion. The position is reflected in Schedule for revised pay scale under RS (Revised Pay) Rules 2008.

14. It is further stated that the representation of the applicants was decided after a delay of about one year and 10 months despite the fact that there was no stay on the same. In identical situation an order dated 10.09.2014 (Annexure A9) was passed with the approval of competent authority. But the respondents have no specific answer to except to make some irrelevant pleadings just to sidetrack the main issue. Thus the theory being introduced by the respondents that MACP benefits cannot be higher than promotional grade pay cannot be applied to the MACP benefits; there being distinction between benefits under ACP scheme and MACP Scheme. At the cost of repetition its reiterated that the MACP is to be granted on the basis of grade pay hierarchy i.e. only in the next higher grade pay as under:

"2. The MACPS envisages merely replacement in the immediate next higher grade pay in the hierarchy of the recommended

revised pay bands and grade pay as given in Section-1, Part-A of the first schedule of the CCS (Revised Pay) Rules, 2008.”

15. Heard Mr. J.K. Mishra, learned counsel for the applicants and Mr. R.K. Soni, learned counsel for respondents No.1 & 2 and perused the pleadings available on record.

16. Learned counsel for the applicants made out the case that the joint applicants had rightly been granted the benefits of MACP and the withdrawal of the same was incorrect as already held in the earlier litigation wherein the OA was disposed off with directions were issued to stay recovery following the judgment of the Ernakulum Bench.

17. The short point for adjudication is whether the Restructuring of Group C staff in Traffic Transportation and Transportation (Power) Deptts resulted in promotion or merely were upgradation and lateral induction.

18. A bare reading of the Railway Board orders RBE No.106/93 (Annexure A3) shows that these orders were issued to prescribe standard designations for the upgraded posts as well as for regulating procedure for filling up vacancies therein and lateral induction of staff so upgraded in their normal promotion grades has been under consideration of the Board for quite some time. Following these orders the word 'Senior' has been prefixed to the upgraded posts.

19. Learned counsel for the applicants relies upon the judgment of Hon'ble Allahabad High Court which has upheld that it does not amount to promotion but only a case of upgradation/lateral induction. The applicants were allowed due fixation of revised pay and allowances including the benefits of 2<sup>nd</sup> / 3<sup>rd</sup> financial upgradations in the scale of

Rs.9300-34800 + GP of Rs.4200 to the grade pay of Rs.4600 and 4800 as per their entitlements, under MACP Scheme as mentioned in the impugned order dated 15.05.2013, in column formerly paid financial benefits. 3<sup>rd</sup> respondent issued an order dated 15.05.2013, whereby the benefits of MACP granted to the applicants and other Guards have been ordered to be withdrawn with consequential recoveries in pursuance of Railway Board Circular dated 10.02.2011. The controversy involved in this case has already been settled by the Hon'ble Allahabad High Court in Writ –A No.18244 of 2013 (UOI & Ors. Vs. C.A.T. & Ors.) vide judgment dated 09.07.2013. The judgment dated 24.08.2012 of the C.A.T Allahabad as upheld by the Hon'ble Allahabad High Court vide judgment dated 09.07.2013 has already been implemented unconditionally and with any reservation vide letter dated 22.05.2013, issued by DPO Eastern Central Railway Mugalsarai. SLP against the judgment of Hon'ble Allahabad High Court has also been dismissed.

20. Per contra, the learned counsel for the respondents states that since the Railway Board Instructions at Annexure R3 dated 13.12.2012 regarding cadres was not available to Hon'ble Allahabad High Court and hence the order passed by Court being a decision in curium is not applicable. Respondents, relying on MACP clarifications at Annexure R2 and R3 made a case that as per the order dated 10.02.2011 (Annexure R2) which was issued after consulting DOPT, "every financial upgradation is to be counted as upgradation and offset against the financial upgradation under MACPS in terms of Railway Board's letter dated 10.06.2009 (RBE No.101/2009).

21. Therefore, placement of / grant of higher grade pay from Goods Guard to Senior Goods Guard on non-functional basis should be reckoned as **"upgradation for the purpose of MACP Scheme"**. Further, at Para 5 of said letter, the promotion from Passenger Guard to Senior Pass Guard should be ignored for MACPS. The circular deferred the following three promotions/Financial upgradation:

1. From Goods Guard to Sr. Goods Guard.
2. From Sr. Goods Guard to Passenger Guard
3. From Sr. Passenger to Mail Guard. (Pass to Sr. Pass ignored).

22. Based on this, respondents stated that the withdrawal of MACP benefits (Annexure A1) and consequential recoveries is correct.

23. As stated by the applicants, the controversy involved in this case has already been settled by the Hon'ble Allahabad High Court in Writ –A No.18244 of 2013 (UOI & Ors. Vs. CAT & Ors.) vide judgment dated 09.07.2013 which has already been implemented without any reservation vide letter dated 22.05.2013 by Eastern Central Railway, Mughalsarai. SLP against this judgment is also dismissed.

24. The argument made vehemently by respondents counsel is that applicants are covered by the clarification of Railway Board vide letter dated 05.03.2013 (Annexure A11). They are, therefore, not entitled to MACP benefits as was given.

25. It is very clear from the discussions as above that the submissions and arguments of the respondent department are not tenable. The withdrawal of MACP benefits given to the applicants had been substantially justified on the basis of the order Railway Board

order dated 10.02.2011 (Annexure R2) which, it is seen has been upheld in the judgment of Hon'ble Allahabad High Court as stated above.

26. The very same issue fell for consideration before the Jaipur bench of C.A.T. in OA No.468/2011 and batch. In the said case the Tribunal following the order of CAT Allahabad bench in OA No.1241/2011 which was upheld by the Allahabad High Court in WP No.18244/2013 and also the order of the CAT Ernakulam bench in OA No.482/2011 and batch held that the legal position has been well settled by the judicial pronouncements in the said cases by taking the view that the movement of Senior Goods Guard to the post of Passenger Guard cannot be considered as a promotion for the purpose of considering the benefits of MACP.

27. As rightly contended by the applicants their existing pay structure shows only two Grade Pays in respect of the four posts but they have been wrongly treated as promoted three times in 30 years of service and their prayer for grant of 2<sup>nd</sup> and 3<sup>rd</sup> financial upgradations can be granted. Therefore, they are entitled for the relief as prayed for in the OA.

28. In so far as the issue of wrongful/excess payment is concerned, learned counsel for the respondents have relied upon the following judgments:

- i) In the case of High Court of Punjab and Haryana & Ors. Vs. Jagdev Singh in Civil Appeal No.3500 of 2006, decided on 29.07.2016; AIR 2016 SC 3523, wherein a note has been held that

"Excess payment towards salary Recovery from employee respondent officer while opting for revised

pay scale furnished an undertaking to the effect that he would be liable to refund any excess payment made to him is bound by undertaking order of High Court setting aside action for recovery on ground that there being no fraud or misrepresentation on part of respondent not proper. However, recovery directed to be made in reasonable installments."

- ii) In the case of Smt. Raksha Devi Vs. State of Punjab and Ors. in CWP No.19002/2014, decided on 19.01.2017, wherein a note has been held that:

"Delay and latches delay of 8 years in challenging the order of recovery petition held barred by delay and latches.

Recovery from retiral benefits where the employee had given in writing at the time of retirement that the recovery, if any, be effected from the arrears of his retiral benefits, he is stopped from challenging subsequent order of recovery on account of correction of mistake."

29. By way of rejoinder, the counsel for the applicants have submitted Govt. of India Railway Board letter dated 22.06.2016 on the subject of recovery of wrongful/excess payments made to Government servants. The letter have examined issue of wrongful/excess payment with reference to DOPT vide their OM No.18/26/2011-Estt.(Pay-I) dated 06.02.2014 wherein certain conditions were stipulated to deal with the issue and another DOPT vide their OM No.18/03/2015-Estt.(Pay-I) dated 02.03.2016, in consultation with Ministry of Finance (Department of Expenditure) and the Department of Legal Affairs has enumerated certain situations wherein recovery by the employee would be impermissible in law.

30. Vide the letter quoted above, it has been stated that the instructions in the DOPT orders circulated will apply mutatis-mutandis to Railway employees also. Accordingly, the directions of the Hon'ble Supreme Court given in the case of State of Punjab vs. Rafiq Masih

(While Washer etc) in CA No.11527 of 2014 (Arising out of SLP (C) No.11684 of 2012) are required to be complied with by the respondent department. From the order of the Hon'ble Supreme Court, it is seen that the Hon'ble Supreme Court while observing that it is not possible to postulate all situations of hardship which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement has summarized the following few situations, wherein recoveries by the employers would be impermissible in law:-

- i) Recovery from employees belonging to Class-III and Class-IV service (or Group C and Group D service).
- ii) Recovery from retired employees, or employees who are due to retire within year, of the order of recovery.
- iii) Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.
- iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.
- v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover.

31. Examined in terms of the bench mark laid down by the Supreme Court it is immediately apparent that the recovery sought to be made from the applicant of this OA is impermissible. Before parting we are constrained to observe that there are a plethora of cases where excess payments have been made by respondent Departments which leads to unnecessary litigation. Given the available IT skills in Government, it is hoped that efforts be made to improve the efficiency and accuracy of entitlement payments of Employees.



32. In view of the discussions as above, we are of the opinion that the present OA has merit and is maintainable. Accordingly, the impugned circular dated 23.09.2015 (Annexure A2) and all subsequent orders thereof, if any passed, against the provisions of MACP Scheme are quashed and set aside and the respondents are also directed to restore the due benefits of MACP granted to the applicants vide letter dated 06.03.2011 (Annexure A5).Accordingly, OA is allowed. In view of the orders given in the OA as above, the matter raised in the MA No.290/00219/2017 is dismissed. There shall be no order as to costs.

**(ARCHANA NIGAM)**  
**MEMBER (A)**

**(HINA P. SHAH)**  
**MEMBER (J)**

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