

**Central Administrative Tribunal
Principal Bench**

OA No.2310/2014



New Delhi, this the 13th day of February, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)**

Shri Kanchan Singh,
S/o Late Shri Bahori Lal,
R/o Flat No.37 B, First Floor,
Parsavanath Panchvati,
Taj Nagari Phase-II,
Agra (U.P.)

(Chief Horticulturist in
Archeological Survey of India)
Age-53 years

(By Advocate : Shri Ajesh Luthra)

...Applicant

Versus

1. Union of India,
Through its Secretary,
Ministry of Culture,
Shastri Bhawan,
New Delhi.
2. Union of India,
Through its Secretary,
DOP&T,
Ministry of Personnel, Public Grievances
and Pension, Government of India,
North Block, New Delhi.
3. Archaeological Survey of India,
Through its Director General,
Janpath, New Delhi.

...Respondents

(By Advocate : Shri Rajeev Kumar)

ORDER (ORAL)



Justice L. Narasimha Reddy, Chairman :-

The applicant joined the service of Archaeological Survey of India as Deputy Superintendent Horticulture (DSH) on 21.01.1991. The next promotion is to the post of Chief Horticulturist (CH). It is stated that on 26.03.2010, one post of Chief Horticulturist was upgraded to the level of Director (Horticulture) and one post of DSH was upgraded to the level of CH. On 16.07.2010, the applicant was promoted to the post of CH.

2. It is stated that the Grade Pay for the post of DSH was Rs.5400, and of the post of CH was Rs.6600. The applicant contends that since he was simply upgraded to the post of CH, he was entitled to be extended the benefit of MACP, in addition to the Grade Pay of Rs.6600. When the said claim was made, the respondents replied through letter dated 08.10.2013,



stating that movement of the applicant from the post of DHS to CH was by way of regular promotion and in that view of the matter, it would count for one MACP. It is also stated that the applicant earned two promotions/upgradations, in his service of 20 years, from the stage of entry and that he is not entitled for any additional benefits.

3. This OA is filed challenging the communication dated 08.10.2013 and for a direction to the respondents to extend him the benefit of 1st MACP, in the form of Grade Pay of Rs.7600 w.e.f. 26.03.2010 and 2nd MACP in the form of Grade Pay of Rs.8700 w.e.f. 21.01.2011.

4. The applicant contends that while the Grade Pay of Rs.7600 accrued to him on account of the upgradation of the post, the 2nd MACP is to be granted on completion of 20 years.



5. Respondents filed counter affidavit in the OA. It is stated that after he was appointed as DSH, the applicant was extended 1st MACP on 01.09.2008 in the Grade Pay of Rs.6600 and that his plea that the post held by him was upgraded, is not correct. It is also stated that the applicant was promoted in the regular course, to the post of CH, and that in turn has counted for 2nd MACP.

6. We heard Shri Ajesh Luthra, learned counsel for applicant and Shri Rajeev Kumar, learned counsel for respondents.

7. The initial appointment of the applicant was to the post of DSH. The Grade Pay attached to that post is Rs.5400. As a result of the extension of the 1st MACP, his Grade Pay was stepped up to Rs.6600.

8. The applicant states that the post held by him was upgraded to that of CH, as a measure of re-organisation. Except that he raised a plea in the OA,



he did not place anything before us, to substantiate that. The respondents have stated that while some posts were abolished, certain others were created and in the process, one new post of CH was created. Such re-organisation took place in February 2010. Even after such re-organisation, the applicant continued to hold the same post, as earlier. It was only on 16.07.2010, that he was promoted to the post of CH, on the recommendations of the DPC. It was an order of promotion pure and simple. Therefore, the assumption of the applicant that (a) the post of DSH held by him was upgraded to CH on 26.03.2010; (b) on such upgradation, he was entitled to be put in the Grade Pay of Rs.7600; and that (c) he was entitled to be granted the 2nd MACP on completion of 20 years as on 21.01.2011 - are not at all supported by facts on record.

9. On the other hand, the fact of the matter is that (a) he was extended the benefit of 1st MACP, in the form of Grade Pay of Rs.6600; (b) his movement to the



post of CH was purely by way of promotion and not by way of upgradation (c) since the Grade Pay for the post of CH is Rs.6600, and the applicant was already drawing that Grade Pay, he was not entitled to be extended any further benefit. The applicant was extended one MACP in the year 2008, and earned the promotion in the year 2010; all within 20 years of his service. So he is not entitled to be granted anything further and this is what has been stated in the impugned order.

10. We do not find any merit in the OA and the same is accordingly dismissed.

There shall be no orders as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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