

**Central Administrative Tribunal
Principal Bench**

OA No.2269/2014



New Delhi, this the 14th day of February, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

1. Shri Niwas Bansal,
Aged about 65 years,
Junior Works Manager,
S/o Late Shri L.N. Bansal,
R/o WZ-1391/28, Nangal Raya,
New Delhi-110046.
2. C.V. John,
Aged about 60 years,
Junior Works Manager,
S/o Late Sh. C. Varghese,
R/o D-10, Phase-IV, Aya Nagar,
New Delhi-110047.

...Applicants

(By Advocate : Shri M.K. Bhardwaj)

Versus

Union of India & Ors. through

1. The Secretary,
Govt. of India,
Ministry of Defence,
South Block,
New Delhi-110001.
2. Director General,
Ordnance Factory & Chairman,
Ordnance Factory Board,
10-A, Shaheed Khudi Ram Bose Road,
Kolkata.
3. Dy.Director General (Coord),
Ordnance Factory Board,
New Delhi office,
G-Block,
Ministry of Defence,

New Delhi-110011.

4. Principal Controller of Defence Accounts,
10-A, Shaheed Khudi Ram Bose Road,
Kolkata.

...Respondents

(By Advocate : Shri Satish Kumar)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :-

The applicants joined the establishment of the Ordnance Factory, under the Ministry of Defence, as Highly Skilled in the years 1969 and 1977, respectively. Thereafter they were promoted to the post of Chargeman Grade-II, Chargeman Grade-I, Assistant Foreman and Junior Works Manager (JWM), over the period. It is stated that the post of Chargeman Grade-II and Chargeman Grade-I were merged into one and Assistant Foreman and JWM on the other, were merged into another, on the recommendations of the 6th Pay Commission w.e.f. 01.01.2006. The applicants noticed that the persons who were junior to them as JWM were drawing higher scale of pay and, accordingly, they made a representation to the respondents, for stepping up of their pay.





2. Through an order dated 03.03.2014, the respondents informed that the discrepancies took place, on account of the ACP granted to other employees and since such a facility is not available to them, they are not entitled for stepping up. The relevant particulars of both the employees are also furnished. Similar reply was given on 22.04.2014 to another applicant.

3. This OA is filed challenging the communication dated 03.03.2014 and 22.04.2014. It is also prayed that the pay of the applicants be stepped up on par with their juniors, Shri Gopal Kathuria and Shri P.Venu Gopalan. Reliance is placed upon an OM dated 04.10.2012.

4. The applicants contend that once they are senior to the employees of the same grade, and if the juniors are drawing higher pay, they are entitled for upgradation of their pay scales.

5. The respondents filed counter affidavit opposing the OA. It is stated that entry into service by the applicants on the one hand, and their so called juniors on the other, are substantially different. It is also stated that the applicants were not extended the benefit of ACP or MACP, on account



of the fact that they have earned promotions and upgradations, whereas the employees with whom they are making comparison, have been extended the benefit of one MACP in addition, since the number of promotions earned by them were less. It is also stated that any discrepancy, that arises, on account of extension of benefit of MACP, does not constitute the ground for upgradation of the pay of a senior.

6. We heard Shri M.K. Bhardwaj, learned counsel for applicant and Shri Satish Kumar, learned counsel for respondents.

7. The relevant particulars of the applicants are furnished within the permissible limits of brevity. They earned as many as four promotions in their career. Therefore, the upgradations in the form of ACP or MACP, were offset against the promotions. All the same, they were granted one MACP in the totality of the service. The juniors of the applicants joined as Supervisors and they were extended the benefit of the 2nd MACP because they did not earn the corresponding promotion. That accounted for the difference of pay scales of the applicants

and their juniors. It is also stated that both the set of employees are from different cadres.



8. Be that as it may, once the discrepancies referable to MACP, the same cannot constitute the basis for stepping up of the pay of the seniors. This is evident from paragraph 10 introduced through OM dated 19.05.2009. Para 10 thereof, reads as under

“10. No stepping up of pay in the pay band or grade pay would be admissible with regard to junior getting more pay than the senior on account of pay fixation under MACP Scheme.”

Similar provision existed in the ACP scheme also.

9. Therefore, we do not find any merit in the OA and the same is, accordingly, dismissed.

There shall be no orders as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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