



Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.367/2020

Friday, this the 28th day of February 2020

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

Parma Nand Jayant, Group A, age 72 years
Executive Engineer (Civil), Retd.
r/o P-4, Gali No.1, Shanker Nagar Extension
Delhi – 110 051

..Applicant

(Sri Om Prakash, Advocate)

Versus

Union of India through

1. The Secretary
Ministry of Housing & Urban Affairs
C Wing, Nirman Bhawan, New Delhi – 110 011
2. Director General
CPWD, A Wing, Nirman Bhawan
New Delhi – 110 011
3. The Superintending Engineer, M-23, PWD
NCT of Delhi, Yamuna Pusta
ITO, New Delhi – 110 002

..Respondents

(Sri Gyanendra Singh, Advocate)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The applicant joined the service of Central Public Works Department (CPWD) as Junior Engineer (Civil) on 09.06.1969. He was promoted to the posts of Assistant



Engineer (Civil) in 1986 and Executive Engineer (Civil) in 1995. Though it is stated that the applicant faced some criminal and disciplinary proceedings, the same is not relevant here. He retired from service on 30.11.2007, on attaining the age of superannuation.

2. The applicant contends that in terms of the O.M. dated 19.05.2009 issued by the Department of Personnel & Training (DoPT), he is entitled to be extended the benefit of 3rd Modified Assured Career Progression (MACP) Scheme from 01.01.2006. Representation made by him in this behalf was rejected by the respondents, through communication dated 25.11.2019. Hence, this O.A.

3. The applicant contends that he has rendered more than 24 years of service and accordingly, he was entitled to be extended the benefit of 3rd MACP and there was no justification for the respondents in denying the same.

4. We heard Sri Om Prakash, learned counsel for applicant and Sri Gyanendra Singh, learned counsel for respondents, at the stage of admission, at length.



5. It is a matter of common knowledge that the Government introduced the Assured Career Progression (ACP) Scheme, to avoid stagnation of the employees in the same post. According to that, if an employee did not earn promotion for a period of 12 years from the date of entry, he would be entitled to be extended the benefit of one ACP, which is equivalent to the pay scale of the next higher post. Similar benefit is extended in the form of 2nd ACP. The applicant was not extended the benefit of ACP since he got two promotions within the two spells referred to above.

6. It is true that the DoPT issued O.M. dated 19.05.2009 introducing the MACP Scheme, effective from 01.09.2008. According to this, an employee will be entitled to be extended the upgradation in the pay scale, at the intervals of 10, 20 and 30 years of continuous regular service, if he did not earn promotions during those spells. It is also provided that if an employee has earned two promotions or two ACPs and completed 24 years of service, he would become eligible for 3rd MACP. That, however, will be, in case an employee was in service, by the time the O.M. dated 19.05.2009 was issued.



8. The extension of benefit under ACP/MACP is almost on the lines of promotion. The employee is subjected to the same verification and scrutiny as though it is regular promotion. It is fairly well settled that retired employee cannot be promoted. Similarly, the benefit of MACP cannot be extended to an employee, who has retired from service, by the time the O.M. was issued or by the time, the MACP became due. This is what exactly the respondents have communicated the applicant, through order dated 25.11.2019.

9. We do not find any merit in this O.A. It is accordingly dismissed. There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

February 28, 2020
/sunil/