



**Central Administrative Tribunal  
Principal Bench, New Delhi**

**O.A. No.1964/2020**

Today, this the 3<sup>rd</sup> day of December, 2020

Through video conferencing

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

Sh. Naveen Kumar Agarwal,  
[Retired Executive Engineer (Civil)],  
S/o Sh. K.L. Aggarwal,  
R/o 265, Ground Floor,  
Greater Kailash Part-I,  
New Delhi  
Group 'A', Aged 61 years

...Applicant

(By Advocate : Shri Sourabh Ahuja)

Versus

1. Delhi Development Authority,  
Through its Vice-Chairman,  
Vikas Sadan, I.N.A.,  
New Delhi.
2. Commissioner (Personnel),  
Delhi Development Authority,  
Vikas Sadan, I.N.A.,  
New Delhi.
3. Dy. Director (Confidential Cell),  
Delhi Development Authority,  
Vikas Sadan, I.N.A.,  
New Delhi.



4. Pay & Accounts Officer,  
Pension Cell,  
Vikas Sadan, I.N.A.,  
New Delhi.

..Respondents

(By Advocate :Shri J.P. Tiwari)

### **ORDER (ORAL)**

**Mr. Justice L. Narasimha Reddy, Chairman :**

The applicant joined the service of Delhi Development Authority (DDA) as Junior Engineer on 07.10.1983. He earned promotions and thereafter went on deputation to the Municipal Corporation of Delhi (MCD) in the year 2003-04. It appears that irregularities were found against him and accordingly, he was repatriated back to DDA in April, 2004. A charge memo was issued to him on 24.05.2006 and, that ended in imposition of major penalty by order dated 08.04.2009.

2. The applicant filed OA No.4029/2015, challenging the order, and through an order dated 05.10.2018, the Tribunal modified the penalty to the one of 'Censure'. It is stated that the applicant was extended the benefit of



2<sup>nd</sup> MACP on 09.04.2009 and 3<sup>rd</sup> MACP w.e.f. 15.05.2014. The grievance of the applicant is that his juniors were extended the benefit of 2<sup>nd</sup> and 3<sup>rd</sup> MACPs in the higher scale of pay and on account of differential treatment accorded to him, he is drawing relatively less pension. He made a representation on 24.02.2020 in that behalf. This OA is filed with a prayer to direct the respondents to grant him the 2<sup>nd</sup>MACP w.e.f. 07.10.2007 and 3<sup>rd</sup> MACP w.e.f. 07.10.2013, on par with his juniors.

3. We heard Sh.Sourabh Ahuja, learned counsel for the applicant and Sh.J.P.Tiwari, learned counsel for the respondents.

4. Basically, we find that the applicant cannot compare himself with his juniors in the context of ACP or MACP. They are personal to each employee. The question as to whether there exists any deviation in the context of MACP at various stages, needs to be examined by the respondents.



4. We, therefore, dispose of the OA, without expressing any opinion on the merits of the matter, but directing the respondents to pass orders on the representation dated 24.02.2020, preferred by the applicant, within a period of three months from the date of receipt of a copy of this order.

There shall be no orders as to costs.

**( A. K. Bishnoi )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

/pj/jyoti/rk/sd