



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A.No.3278/2018
&
M.A.No.1573/2020 in

Date of order:15.09.2020

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mohd.Jamshed, Member (A)

Kishore Kumar (Age 60 yrs),
s/o late Sh.M.L.Kapoor,
11/87, Geeta Colony,
Delhi-110 031, M-9818349892,
Deputy Director, Group-A.

....Applicant

(Through Shri G.L.Verma, Counsel for Applicant)

Versus

1. Delhi Development Authority
(Through Vice Chairman),
Vikas Sadan, INA,
New Delhi-110 023.

2. Commissioner (Personnel),
DDA, B Block, 2nd Floor,
Vikas Sadan, New Delhi-110 023.


... Respondents

(Through Smt.Sriparna Chatterjee, Counsel for the Respondents)

**ORDER (Oral)****By Justice L. Narasimha Reddy, Chairman**

This is the second round of litigation by the applicant as regards his claim for 3rd MACP.

2. The applicant joined the service of the Delhi Development Authority (DDA), as Stenographer in the year 1978. He was promoted to the post of Private Secretary and he retired from service on 31.12.2017. The nature of benefit that have been extended to him from time to time are not furnished in detail. However, his case was considered for extension of benefit of 3rd MACP on completion of 30 years of service, with effect from 01.09.2008. On finding that his ACRs for the relevant years were below bench mark, he was not extending the benefit from 01.09.2008. However, by taking into account the ACRs of the subsequent years, the benefit was extended from 01.09.2012. The applicant submitted a representation claiming that he is entitled to the benefit from 2008. A request was also made for upgradation of the APRs, which are below bench mark. Stating that no order was passed on the representation, the applicant filed OA.No.1405 of 2018



before this Tribunal. It was disposed of on 10.04.2018 directing that the representation of the applicant be considered. In compliance with the same, the respondents passed speaking order dated 18.07.2018. It was mentioned that the request of the applicant for sanction of MACP from 2008 cannot be extended to on account of the below benchmark ACRs of the years 2003-2004, 2004-2005 and 2005-2006. As regards the complaint that the below benchmark was not communicated to him, it was stated that it is only when the entries are adverse that the necessity arises to communicate and not when they are below bench mark. The said order is challenged in this OA.


3. The applicant contends that he was entitled to be extended the benefit of 3rd MACP on completion of 30 years of service and the respondents were not justified in delaying it by four years. He further contends that the respondents cannot rely upon the below benchmark ACRs, unless they were communicated. Certain other grounds were also urged.

4. The respondents filed a reply denying the allegations made by the applicant.



5. We heard Mr.G.L.Verma, learned counsel for the Applicant and Mrs.Sriparna Chatterjee, learned counsel for the Respondents.

6. The only issue that arises for consideration in this OA is as to whether the applicant was entitled to be extended the benefit of 3rd MACP with effect from 01.09.2008. It becomes due, to an employee, on completion of 30 years. There is no dispute that the applicant completed 30 years of service by 2008. However, it is not as a matter of course, that the MACPs are granted. The Screening Committees are constituted for the purpose of verification of the record. The ACRS for a period of 5 years preceding the relevant date are taken into account. The respondents have adopted the benchmark of 'Very Good' for extending the benefit of 3rd MACP. Three ACRs of the applicant from 2003-2004, 2004-2005 and 2005-2006 were assessed as 'Good'. Therefore, he was not treated as eligible to be extended the benefit from 2008 onwards.



7. Being fair to the applicant, the respondents have granted upgradation with effect from 01.09.2012, since the ACRs in the preceding 5 years were upto the benchmark. Therefore, no exception can be taken on the decision taken by the respondents.

8. The applicant pleaded that the ACRS of 3 years, which were assessed as 'Good', ought not to have taken into account since they were not communicated. The occasion to communicate the ACRS would arise, if only anything adverse to the employee is mentioned. A below benchmark ACR cannot be treated as adverse entry. The benchmarks are also not statistic. At one level, it could be 'Good' and another level it could be 'Very Good' and in certain cases 'Outstanding'. The nature of the remarks in the ACR, do not get altered with the relevant benchmark. At the same time, an employee can certainly make representations for upgradation of the ACRs at the relevant point of time.

9. Even after being aware of the factum of the nature of the ACRs for 3 years mentioned above and the consequent thereof, the applicant did not submit any representation for upgradation thereof, till he retired from service. In the impugned order, there is a mention to certain efforts made in

this behalf. It was stated that the reporting officers for the relevant period have struck to the stand and in some cases they retained.



10. One of the pleas raised by the applicant is that his juniors were extended the benefit of 3rd MACP on completion of 3 years. It is not a case where the process is not one of relative assessment. The MACP is personal to an individual employee and much would depend upon his performance.

11. We do not find any merit in the OA. The OA is accordingly dismissed.

12. M.A.No. 1573/2020 stands disposed of. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman