

Item No.11



**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

**O.A. No. 1935/2021**

**This the 8<sup>th</sup> Day of September, 2021**

(Through Video Conferencing)

**Hon'ble Mr. A.K. Bishnoi, Member (A)**  
**Hon'ble Mr. R.N. Singh, Member (J)**

Yashpal Sharma  
Aged about 68 years,  
S/o Sh. Perma Nand Sharma  
R/o B-27-F, Vijeta Vihar, Sector – 13, Rohini,  
Delhi – 110085  
Mob. No. 9873632934  
Post : Survey Officer  
Group – B

... Applicant

(By Advocate : Shri Anuj Aggarwal)

**Versus**

1. North Delhi Municipal Corporation (NDMC)  
Through its Commissioner (North),  
Dr. S.P.M. Civic Centre,  
J.L. Nehru Marg, Minto Road,  
New Delhi – 110002  
Email : commr.northdmc@mcd.nic.in
2. Engineering Department (HQ)  
Through its Administrative Officer (Engineering)  
North Delhi Municipal Corporation (NDMC)  
9<sup>th</sup> Floor, Dr. S.P.M. Civic Centre,  
J.L. Nehru Marg, Minto Road,  
New Delhi – 110002  
Email : commr.northdmc@mcd.nic.in

... Respondents

(By Advocate : Ms. Anupama Bansal)



## O R D E R (ORAL)

**Hon'ble Mr. R.N. Singh, Member (J) :**

The applicant, who has retired from the post of Survey Officer, on attaining the age of superannuation, has filed the present OA under Section 19 of the Administrative Tribunals Act, 1985, praying therein, the following reliefs:-

*“(i) Set aside the impugned Office Order dated 12.05.2017, to the extent it fails to extend/grant the financial upgradation to the applicant under the Assured Career Progression (ACP) Scheme Modified Assured Career Progression (MACP) Scheme as granted to Sh. Shyam Sunder Arora, Surveyor (Junior to the applicant);*

*(ii) Set aside the impugned Office Order No. HC/HP/Engg.(HQ)/2005/962 dated 03.08.2005 whereby the ACP benefits, as granted to 7 surveyors, including the applicant herein, were withdrawn;*

*(iii) Direct the respondents to grant the pay scale of Rs. 6500-10500 w.e.f. 09.08.1999 on completing 12 years service on account of 1<sup>st</sup> Assured Career Progression (ACP) Scheme;*

*(iv) Direct the respondents to grant the pay scale of Rs. 10500-15200 w.e.f. 29.03.2003 on account of 2<sup>d</sup> Assured Career Progression (ACP) Scheme;*

*(v) Direct the respondents to grant the pay scale of Rs. 15600-39100+ GP 7600 (PB-3) w.e.f. 27.02.2002 on account of 3<sup>rd</sup> Modified Assured Career Progression (MACP) Scheme;*

*(vi) Direct the respondents to pay interest on the arrears of salary, retiral dues and pensionary benefits along with interest to be calculated @ 12% per annum;*

*(vii) Direct the respondents to pay exemplary compensation/litigation expenses and cost on account of harassment to the applicant;*

*(viii) Allow the present Original Application with costs in favour of the applicant; and*



*(ix) Pass any other order as this Hon'ble Tribunal may deem fit and proper in the interest of justice and in the favour of the applicant."*

2. Learned counsel for the applicant submits that the applicant, for redressal of his grievances and for the prayer(s), herein above, has made a representation dated 10.12.2018 followed by the latest representation dated 07.08.2019 [Annexure A-3 (colly)] along with legal notice dated 11.08.2021 (Annexure A-4), however, the same have not been considered and responded to by the respondents.

3. Issue notice. Ms. Anupama Bansal, learned counsel, who appears for respondents on advance service, accepts notice.

4. In the facts and circumstances, we are of the considered view that the present OA may be disposed of with direction to the respondents to consider the applicant's pending representation dated 10.12.2018 followed by the latest representation dated 07.08.2019, [Annexure A-3 (colly)], along with legal notice dated 11.08.2021 (Annexure A-4) and to dispose of the same by passing an appropriate order.

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5. Accordingly, without going into the merits and limitations, if any, involved in the matter; the present OA is disposed of with direction to the respondents to consider the applicant's aforesaid pending representation dated 10.12.2018 followed by the latest representation dated 07.08.2019 [Annexure A-3 (colly)], along with legal notice dated 11.08.2021 (Annexure A-4) and to dispose of the same by passing a reasoned and speaking order as expeditiously as possible and preferably within 10 weeks of receipt of copy of this order.

6. OA disposed of in the aforesaid terms. No costs.

**(R.N. Singh)**  
**Member (J)**

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

/cc/akshaya/