

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH; NEW DELHI.**



**OA No. 1971/2021
MA No. 2498/2021**

This the 10th day of September, 2021

Through Video Conferencing

**Hon'ble Ms. Manjula Das, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

1. Geeta Chopra, Tele-Supervisor, Group 'B', Retd.
Aged about 62 Years
W/o Sh. Ashok Chopra
R/o H. No. 001., Ground Floor
E-Tower, Sec-16B, Noida Extn.,
NOIDA U.P.
2. Kewal Krishan, Tele-Supervisor, Group 'B',
Aged about 55 Years
S/o Late Sh. Ganga Ram,
R/o B-11/188, Dev Nagar,
Karol Bagh, New Delhi-110005
3. A.K. Ashta, Tele-Supervisor, Group 'B',
Aged about 56 Years
S/o Late Sh. S.L. Ashta
R/o H. No.E-1/136, Type-3
Govt. Flats, Dev Nagar,
New Delhi.
4. S.K. Wadhwa, Tele-Supervisor, Group 'B',
Aged about 53 Years
S/o Late Sh. B.D. Wadhwa,
R/o H. No. 2/59, Old Rajinder Nagar,
New Delhi-110060
5. Satish Kumar Tele-Supervisor, Group 'B',
Aged about 47 Years
S/o Late Sh. A. Subramanian
R/o H.No. 513, Sai Anugraha,
Oil Mill Road, Marathahalli,
Bangalore-560057



6. Sumer Singh Tele- Operator, Group 'C',
Aged about 43 Years
S/o Sh. Ram Singh
R/o RZ-10, J-Block, Old Roshan Pura,
Najafgarh, New Delhi-110043.
7. Smt. Anju Vashistha, Tele- Operator, Group 'C',
Aged about 55 Years
W/o Sh. S.K. Vashistha
R/o H. No. G-310, Jal Vayu Vihar
Sec.-30 Gurgaon-122001
8. Rakesh Kumar Tele- Operator, Group 'C',
Aged about 41 years,
S/o Late Sh. R. Singh
R/o H. No. RZ-15, A2-Block Gali No.9
New Roshan Pura, Najafgarh,
New Delhi-110043
9. Sanjay Fojdar, Tele- Operator, Group 'C',
Aged about 48 Years
S/o Late Sh. M.S. Fojdar,
R/o H. No. 982, Type-IV, NH-4
Faridabad, Haryana-121001
10. Ashima Sharma, Tele- Operator, Group 'C',
Aged about 40 Years
S/o Sh. Vishal Sharma
R/o 4/171, Subhash Nagar,
New Delhi-110027.
11. Smt. Manju Dagar, Tele- Operator, Group 'C',
Aged about 51 Years
W/o Sh. A. Dagar
R/o H. No. B-V/106, Nehru Nagar
New Delhi -110065
12. Manoj Kumar, Tele- Operator, Group 'C',
Aged about 42 Years
S/o Sh. Shiv Lal,
R/o 1449/35, Street No. 10,
Durga Puri, Shahdara, Delhi-110093
13. Rajesh Kumar, Tele- Operator, Group 'C',
Aged about 36 Years
S/o Late Sh. Preet Singh,
R/o H. No. 1088/30, Malviya Nagar,
Mehlana Road, Sonapat, Haryana



14. Smt. Manju Parmar, Tele- Operator, Group 'C',
Aged about 53 Years
W/o Late Sh. S.S. Parmar
R/o C-1/06, Bhagwati Garden Extn.,
Dwarka Mor, New Delhi-110059
15. Omender Kumar, Tele- Operator, Group 'C',
Aged about 36 Years
S/o Sh. Girraj Singh,
R/o H. No. 411 Type-III, NH-4
Faridabad, Haryana-121001
16. Kuldeep Kumar, Tele- Operator, Group 'C',
Aged about 41 Years
S/o Sh. Onkar Singh
R/o H. No. 439, Khanna Nagar,
Loni Ghaziabad, UP
17. Kiran Singh, Tele- Operator, Group 'C',
Aged about 42 Years
W/o Sh. Baljeet Singh
R/o Platinum Heights, Flat No. 257
18B, Dwarka, New Delhi-110075.
18. Sunita Chowdhary, Tele- Operator, Group 'C',
Aged about 49 Years
S/o Sh. Anil Kumar
R/o H. No. 225, Makimpur, P.O. Deepalpur,
Sonapat, Haryana-131021
19. Sandeep Kumar, Tele- Operator, Group 'C',
Aged about 36 Years
S/o Sh. Jai Dayal Lamaba,
R/o VPO Palpur (Dhani)
Tehsil Kotkasim , Distt. Alawar
Rajasthan-301702
20. Kamaljeet Kaur, Tele- Operator, Group 'C',
Aged about 42 Years
W/o Sh. Parminder Gujral,
R/o H. No. 58, Pkt.-20
Sec-24, Rohini New Delhi-110085.
21. Mahesh Chand, Tele- Operator, Group 'C',
Aged about 38 Years
S/o Sh. Kashi Ram,



- R/o H. No. T-35, AFSSR, Sohna Road,
Old Camp, Gurgaon, Haryana
22. Dharmendra, Tele- Operator, Group 'C',
Aged about 44 Years
S/o Sh. Shivchandra Tkakur
R/o H. No. B-4/233, 1st Floor
Sect.8, Rohini New Delhi-110085
23. Bajrang Lal Meena, Tele- Operator, Group 'C',
Aged about 35 Years
S/o Laxman Ram Meena
R/o VPO Malyawas, Vill- Phullera,
Jaipur, Rajasthan -303338
24. Jagpal Singh, Tele- Operator, Group 'C',
Aged about 38 Years
S/o Sh. Dayanand Singh
R/o Village Aun, P.O. Bound Kalan
Tehsil, Chaskhi Dadra,
Distt. Bhiwani, Haryana
25. Arvind Kumar, Tele- Operator, Group 'C',
Aged about 41 Years
S/o Sh. Bishun Prasad,
R/o Patashi House , D-11/12
Street No. 05, Mahavir Enclave
Palam, New Delhi-110045
26. Neeraj Kumar, Tele- Operator, Group 'C',
Aged about 41 Years
S/o Sh. Jageshwar Prasad,
R/o H. No. P-196/4, Old Project Air Force
Manauri, Allahabad-212212
27. Laltu Mahato, Tele- Operator, Group 'C'
Aged about 53 Years
S/o Late Sh. Madan Mohan Mahato
R/o Sasat Pally Palta, P.O. -Bengal Enamel,
24 Pgs (North), West Bengal-743122
28. K.D. Sharma, Tele- Operator, Group 'C',
Aged about 58 Years
S/o Late Sh. Sat Ram Sharma
R/o 54/1-A, Sec-2
Kali Bari Marg, DIZ Area
New Delhi-110 001.



29. Vijay Kumar, Tele-Operator, Group 'C'
Aged about 54 Years,
S/o Sh. Mange Ram,
R/o H. No. 2178, Sec-23,
Sonepat, Haryana-131001.
30. Karsan Bhai Venkar, Tele-Supervisor, Group 'B', Retd.
Aged about 60 Years
S/o Sh. Mongha Bhai
R/o 292, Shivpark Soccity, Vasanth Nagar,
Township, Gota, Ahmadabad-60
31. K. Armugam, Tele- Operator, Group 'C',
Aged about 43 Years
S/o Late Sh. Kasi M.,
R/o H. No. 759, SRS Road,
Penya , Bangalore-560058
32. Sangeetha Lazarus, Tele- Operator, Group 'C',
Aged about 46 Years
W/o Sh. Sylvester Lazarus,
R/o H. No. 15, Campbell Road,
Bangalore-560047
33. Smt. Firdous Begum, Tele- Operator, Group 'C',
Aged about 45 Years
W/o Sh. Sarwar Pasha,
R/o H. No. 21/2, 1st A Cross
Bhuvneshwari Nagar, R.T. Nagar,
P.O. Bangalore-560032
34. Gopalkrishna C.K., Tele- Operator, Group 'C', VRS
Aged about 57 Years
S/o Late Shri Ram Krishnan Nair
R/o H. No.44, Shraddha,
5th Main, VR Layout, Near JP Park,
Mathikere, Bangore-560054.
35. Smt. M. Manjula, Tele- Operator, Group 'C',
Aged about 36 Years
W/o Sh. G.H. Babu
R/o H. No. 598/99, Muthyalamma Nagar,
MES Road, Gokul Extn.
Bangalore-560054
36. Latha Roopesh Ghaatke, Tele- Operator, Group 'C',
Aged about 40 Years
W/o Sh. Roopesh Rao, Ghaatke,



R/o H. No. 257, AECS Layout-I Stage,
RMV-II Stage, IVth Main, Geddalahalli,
Bangalore,-560094.

37. Smt. Radhika, Tele- Operator, Group 'C',
Aged about 39 Years
W/o Sh. Vadivelu,
R/o ICSC HQTC (V), IAF
JC Nagar, Post Hebbal, Bangaore-560066
38. S.R. Ashok, Tele- Operator, Group 'C',
Aged about 41 Years
S/o Sh. Ashok,
R/o H. No. 01, Shivanna Complex
Kodagalahatti, Hunasamasahahalli,
Bangalore, North-562157
39. Shiva Kumar, Tele- Operator, Group 'C',
Aged about 34 Years
S/o Sh. Swamynathan,
R/o H.No. 1996, Tejus, Selection Corner
T. Dasasahalli, Bangalore-560057.
40. S.B. Sadish, Tele- Operator, Group 'C',
Aged about 52 Years
S/o Sh. Sreedharan,
R/o S.B. Nilayam, K.G. Halli,
Jalahalli, West (P.O.)
Bangalore-560015
41. Shekhar Unde, Tele-Operator, Group 'C',
Aged about 56 Years
S/o Sh. Ganpati Narayan Unde,
R/o Flat No. 101, Devki Saptgiri Apartment,
Plot No. B-14/15
Mahila Krishak Housing Society
Near Samdipani School, Hazari Pahad,
Dhaba Road, Nagpur-440014.
42. Sayamlal Keshwani, Tele-Operator, Group 'C',
Aged about 50 Years,
S/o Sh. Gurudas Keshwani,
R/o H. No. 403, Arihant Enclave,
4th Floor, Near Peramid City
Jaripatka, Nagpur-440014.



43. Sunita Dole, Tele-Operator, Group 'C',
Aged about 54 Years
W/o Sh. Rajendra Dole
R/o Flat No. 209, Hindprerna Appartment,
Akar Nagar, Hazari Pahad,
Nagpur -440013.
 44. Madan Lal Chouhan, Tele-Supervisor, Group 'B',
Aged about 57 Years
S/o Sh. Umaram,
R/o 2CHCH 20, Madhuban Housing Board,
Basani, Jodhpur-342005.
 45. A.C. Sasi Kumar, Tele-Operator, Group 'C',
Aged about 44 Years
S/o Late Sh. S.A. Chandramohan,
R/o F-2, Meera Flats, New No. 9,
Old No.1, Muthu Street Rajaji Nagar,
Villivakkam, Chennai-600049
 46. N. Shankar, Tele-Operator, Group 'C',
Aged about 36 Years,
S/o Sh. C. Nagappan,
R/o H. No. 22, Kamarajal Nagar,
Madambakkam,
Chennai-600126.
- ... Applicants

(By Advocate : Sh. M. K. Bhardwaj)

Versus

1. Union of India & Ors.,
Through its Secretary,
Ministry of Defence,
Govt. Of India, South Block,
New Delhi.
2. Chief of the Air Staff
Indian Air Force,
Room No. 534,
Air Headquarters, (Vayu Bhawan)
Rafi Marg, New Delhi-110011.
3. Assistant Chief of Air Staff (PA&C)
Indian Air Force,
Room No. 171, 1st Floor
Air Headquarters, (Vayu Bhawan)
Rafi Marg, New Delhi-110011.



4. The Principal Director Personnel (Civilian),
Room No. 167,
Air Headquarters (Vayu Bhawan)
Rafi Marg, New Delhi-110011.

5. The Secretary,
Ministry of Finance,
North Block, New Delhi.

...Respondents

(By Advocate : Mr. Amit Dogra)

ORDER (ORAL)

Hon'ble Ms. Manjula Das, Chairman

MA No. 2498/2021 :

This MA is filed by the applicants under Rule 4(5)(a) of the CAT (Procedure) Rules, 1987 for joining together in a single OA.

For the reasons mentioned in the MA, the same is allowed and the applicants are allowed to join together in a single O.A.

OA No. 1971/2021 :

This OA is filed by the applicants under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :-

“(a) To quash and set aside the impugned order dated 10.12.2020, 06.04.2018 & 12.06.2017 and direct the respondents to grant three financial upgradation to the applicants in the Grade Pay of Rs.4200, 4600 and 4800 under TBPS from due date will all arrears of pay including interest at the rate of 12%.



(b) To direct the respondents to grant three financial upgradations to the applicants in the Grade Pay of Rs.4200, 4600 & 4800 on completion of 10 to 30 years of regular service as granted to Madhu Sudan & Ors.

(c) To allow the OA filed by the applicants as per Order dated 26.10.2015 passed in OA No. 3204/2011.

(d) To allow the OA with costs.

(e) Any other relief which the Hon'ble Tribunal deem fit and proper may also be granted to the applicants."

2. The brief facts of the case are as below:

All the applicants are working as Tele-Operators/Tele-Supervisors with the respondents. They are beneficiaries of a Scheme of the Government of India called Time Bound Promotion Scheme (TBPS), by which they have got one promotion/higher grade. Under the MACP Scheme introduced by the Government of India, persons are entitled to get financial up-gradation on completion of 10/20/30 years of service. The MACP Scheme had been introduced replacing ACP Scheme in order to bring greater benefits to employees who otherwise stagnated due to lack of promotional opportunities. The purpose of the Scheme is to create a conducive and wholesome atmosphere among the employees. The respondents have denied them the benefits of the said Scheme. Aggrieved by the said action of the respondents, the applicants have approached this Tribunal by filing this OA.



3. Mr. M. K. Bhardwaj, learned counsel for the applicants relied on the decision of the Ernakulam Bench of this Tribunal in OA No. 485/2014 decided on 27.09.2017, which was allowed by the Tribunal observing as under :-

“16. The Government of India had enunciated schemes such as MACP in order to address the problem of stagnation among some categories of employees who do not have adequate promotional avenues. The applicants, in this case, belong to such a group. We feel that there is merit in their case. The OA succeeds. It is directed that the Telephone Operators category consisting of two grades viz., Telephone Supervisor and Telephone Operator Grade I, may be allowed to switch over to MACP on their opting for the same. The applicants would be eligible for their second financial up-gradation when they had completed 20 years of service. In the event that some personnel, who are on the verge of getting their first up-gradation under the TBOP on completion of 16 years is concerned, would like to continue under the TBOP Scheme, they may be allowed to do so. Although the MACP Circular states that no two schemes can run concurrently, there is adequate justification for an arrangement such as this, as decisions on the same lines had been taken in the case of certain other categories. Action in compliance with the directions above should be completed within three months of receipt of copy of this order. The OA is disposed of accordingly. There shall be no order as to costs.”

4. Aggrieved by the said order, the respondents filed OP(CAT) No. 134/2018 (Z) before the Hon'ble High Court of Kerala at Ernakulam, which was dismissed vide order dated 17.02.2020, meaning thereby, the Tribunal's order dated 27.09.2017 passed in OA No. 485/2014 has attained finality.

5. In the facts and circumstances of the case, respondents are directed to consider the case of the applicants in light of the decision of the Coordinate bench of this Tribunal, as



affirmed by the Hon'ble High Court, referred to above and if they are found similarly situated as the applicants in OA No. 485/2014, they may also be granted the same benefits as have been granted to the applicants in the said OA. The above exercise shall be completed within a period of four months from the date of receipt of a copy of this order. Shri Amit Dogra, learned counsel for the respondents has no objection.

6. With the above direction, the OA stands disposed of. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Manjula Das)
Chairman

/jyoti/Mbt/