



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

**C.P. 153/2020
O.A. No. 3204/2011**

This the 13th Day of September, 2021

(Through Video Conferencing)

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

1. Sh. Madhu Sudan R/o B-52,
Sarada Pur, Near Ramesh
Nagar, New Delhi 110 015.
2. Sh. Rajender Kumar Lookhar
R/o B-11, Officer's Colony,
Central Jail, Tihar,
New Delhi 110 064.
3. Sh. Nageshwar Mahato
R/o 18-R, Sector-4,
DIZ Area, Gole Market,
Raja Bazar,
New Delhi 110 001.
4. Smt. Rina Ayan,
R/o H. No.WZ-7A Gali No.7A,
Puran Nagar, Palam Colony,
New Delhi 110 043.
5. Sh. Shiv Sagar Sharma
R/o 15-C, Sector-4, DIZ Area,
Gole Market, Raja Bazar,
New Delhi 110 001.
6. Smt. Usha Chauhan R/o M-
323, Sarojini Nagar, New Delhi
110 023.
7. Smt. S. K. Bedi
R/o G-91, Sarojini Nagar,
New Delhi 110 023.

Item No. 24



8. Smt. Sudha
R/o 1053, Block-28,
Baba Khadak Singh Marg, New
Delhi.
9. Sh. Pradeep Kumar
R/o 4-256, Sarojini Nagar, New
Delhi 110 023.
10. Sh. Pramod Kumar
R/o L-133, Sarojini Nagar, New
Delhi 110 023.
11. Smt. Labanya Shekhawat R/o
SITE-3, Flat No.63, Vikas Puri,
New Delhi 110 018.
12. Smt. Neelam Dureja R/o A-
2/148, Sector-8, Rohini, New
Delhi.
13. Smt. Sneh Sehgal,
R/o J-3/77B, Rajouri Garden,
New Delhi.
14. Smt. Indra Dadwal
R/o 1578 B, Rani Bagh, New
Delhi.
15. Smt. D. Gill
R/o 924, Block-19, BKS Marg,
New Delhi.
16. Smt. Savita Sharma
R/o 23/77B, Tilak Nagar, New
Delhi 110 018.
17. Smt. Kalpana Sharma R/o
20/29, Lodhi Colony, New Delhi
110 003.
18. Sh. Ram Mohan
R/o B-52, Sharda Puri,
Ramesh Nagar,
New Delhi 110 015.
19. Sh. Kamal Kumar

Item No. 24



R/o C-3/278, Lodhi Colony,
New Delhi 110 003.

20. Smt. Madhubala Sahi, R/o D-14/17, Sector-8, Rohini, New Delhi.
21. Smt. Sonia Girdhar
R/o 5-8, Ajay Enclave,
New Delhi.
22. Smt. Shobha Sharma
R/o 1770, Sector-37,
Arun Vihar,
NOIDA, UP.
23. Smt. Sunita Kakaria
R/o 8/14, Ashok Nagar,
New Delhi 110 018.
24. Smt. Kanwal Jeet Kaur R/o
DB 57 E, LIG Flat, Hari Nagar,
New Delhi.
25. Mrs. Meera Tiwari
R/o L-2/2A, Kalkaji,
DDA Flats,
New Delhi
26. Mrs. Sunita Rajput
R/o M-173, Laxmi Nagar,
Delhi 110092

..Petitioners.

(By Advocate : Shri M. K. Bhardwaj)

Vs.

1. Sh. Ajay Kumar,
Secretary
Ministry of Defence
South Block, New Delhi 110011
2. General M.M. Naravane,
Chief of Army Staff
South Block,
New Delhi-110011
3. Lt. Gen. Rajeev Sabherwal,
DG Signals, 'A' Wing,

Sena Bhawan, New Delhi-110011

..... Respondents.

(By Advocate : Shri S.M. Zulfiquar Alam)



O R D E R (ORAL)

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

The present Contempt Petition has been filed alleging wilful defiance of directions of this Tribunal in order/judgment dated 26.10.2015. The operative portion of the said order/judgement reads as under:

“12. The grounds for rejection of the applicants' claim clearly is the provisions of para 13 of the MACP Scheme which states that time bound promotion scheme and MACP Scheme cannot run concurrently. However, we find that in the case of Drivers, the Government themselves have allowed the concurrent application of both the time bound scheme and the MACP Scheme. Moreover, it would be clear from the order of the CAT Mumbai Bench that the Department of Posts have adopted the MACP Scheme. Therefore, we are of the view that the respondents now cannot take the stand that as per para 13 of the Guidelines, MACP and time bound promotion scheme cannot run concurrently or having adopted the time bound scheme it cannot be jettisoned for adopting the MACP Scheme in light of the OM dated 19.05.2009 regarding Drivers and the Department of Posts to give up the CSBO scheme altogether and adopting the MACP Scheme, as this would clearly be discrimination. Moreover, the government introduced the scheme for the benefit of employees and therefore, choice should have been left to the employees at the time MACP Scheme was introduced whether or not they would like to continue with the old scheme or adopt the new scheme. Having not done so,

Item No. 24



the respondents cannot discriminate between different employees as regards these benefits. We, therefore, see merit in the OA and the same is, therefore, allowed. The respondents are directed to grant financial upgradation to the applicants under MACPs in the grade pay of `4200, 4600 and 4800 on completion of 10, 20 and 30 years of regular service under the MACP Scheme. No costs."

2. Pursuant to notice from this Tribunal, the respondents have filed Compliance Affidavit and the last one being dated 27.03.2021. In the said affidavit, respondents have categorically stated that in compliance of directions of this Tribunal in the order dated 26.10.2015, they have passed an order dated 03.03.2021 (Annexure- A) and nothing survives in the present Contempt Petition. The order dated 03.03.2021 reads as under:

*"No. 3(5)/2020-D(AF)
Government of India
Ministry of Defence*

New Delhi, dated 03 Mar 2021

To,

The Chief of the Army Staff

*Subject: IMPLEMENTATION ORDER OF THE
HON'BLE CAT (PB) NEW DELHI IN OA
NO 3204/2011 FLED BY SHRI MADHU
SUDAN & OTHERS VS UOI AND
OTHERS*



1. *I am directed to convey the sanction of the President of India for the grant of financial upgradation to the applicants under MACPs in the grade pay of Rs. 4200/ 46001- and 4800/- on completion of 10, 20 and 30 years of regular service under the MACP Scheme in the light of Contempt Petition No. 153/2020 in OA No.3204/2011 filed by Shri Madhu Sudan, Civilian Switch Board Operator (CSBO) and 35 others before Hon'ble CAT (PB), New Delhi.*
2. *This is in compliance of the order of CAT (PB) New Delhi on OA No 3204/2011 passed on 26 Oct 2015 consequent to dismissal of Writ Petition No 3974/2017 by Hon'ble High Court of Delhi and dismissal of SLP No 32936/2017 filed by Union of India by Hon'ble Supreme Court.*
3. *This issues with the concurrence of Defence (Finance) vide their U.O. No. 64/AG/PB/2020 dated 03 Mar 2021.*

Yours faithfully,

*(Sarojini Sharma)
Under Secretary to Govt. of India"*

3. Mr. S.M. Zulfiqar Alam, learned counsel for respondents submits that pursuant to the aforesaid sanction vide order dated 03.03.2021, the payments have already been made by the respondents to the petitioners. However, Mr. M.K. Bhardwaj, learned counsel for petitioners submits that the admissible payments have not been released to all the petitioners.

4. In the facts and circumstances, the present Contempt Petition is closed. However, it is made clear that the petitioners shall be at liberty to move an appropriate MA for revival of the present Contempt

Item No. 24



Petition, if they find that their admissible dues have not been released to them even within four weeks from the date of receipt of the present order.

5. Contempt Petition is closed. Notices are discharged with liberty to the petitioners as aforesaid.

(R.N. Singh)
Member (J)

(A.K. Bishnoi)
Member (A)

/cc/daya/arti/