



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

OA No. 368/2017

This the 16th day of June, 2021

(Through Video Conferencing)

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

Veena Sharma, Post-Ex. DNS
Age 62 years
W/o Sh. V.K. Sharma
R/o GD-151, Pitam Pura
Delhi-110034. ... Applicant

(By Advocate: Sh. Anurag Lakhotia)

Versus

All India Institute of Medical Sciences
Through its Director
Ansari Nagar, Delhi-110029. ... Respondent

(By Advocate : Sh. Kaushal Gautam)

O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman :

The applicant joined the service of the All India Institute of Medical Sciences (AIIMS) as a Staff Nurse in the year 1978, on adhoc basis. Her services were regularized in the year 1982. She was extended the benefit of first ACP through order dated 01.03.1992. Thereafter, she was promoted as Assistant

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Nursing Superintendent (ANS) vide order dated 15.07.1998. She was also extended the benefit of 3rd MACP on 06.05.2012. She retired from service on 31.01.2014.

2. The applicant went on making representations with a request to allow her, the benefit of 3rd MACP w.e.f. 01.09.2008. According to her, the service is liable to be reckoned from the year 1978 and that such benefit was extended to many others who were engaged along with her. In this background, she filed this OA with a prayer to direct the respondents to extend the benefit of 3rd MACP to her w.e.f. 01.09.2008 and to pay her the corresponding amount with 18% interest.

3. Respondents filed a detailed reply. According to them, the applicant was extended the benefit of first ACP in the year 1992 and promotion to the post of ANS in the year 1998 has offset the 2nd ACP. They further contend that the applicant became eligible to be extended the benefit of 3rd MACP on completion of thirty years of service and accordingly it was extended to her in the year 2012. They submit that the benefit of MACP is typical to each individual and there is no scope for comparison.

4. The applicant filed a rejoinder.

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5. We heard Sh. Anurag Lakhota, learned counsel for the applicant and Sh. Kaushal Gautam, learned counsel for the respondents.

6. The only issue in the OA is about the date from which, the applicant must be extended the benefit of 3rd MACP. It is fairly well known that the scheme of ACP was evolved by the Government to compensate the employees who were not able to get promotion for want of vacancy. Under that scheme, the first ACP is extendable on completion of 12 years of service, if the employee being otherwise eligible, did not get any promotion. The benefit of second ACP is extendable on completion of 24 years of service, if he did not get promotion during that period. In the case of the applicant, the first ACP was granted in the year 1992 and promotion to the post of ANS has offset the second ACP.

7. The MACP Scheme substituted the one, of ACP. The salient features of this scheme are that while ACP operated in two stages, the MACP applies in three stages. The periodicity under ACP was 12 years and 24 years whereas under the MACP scheme, it is 10, 20 and 30 years. The basic condition of the employee not getting promotion in the respective spells remains the same. Another aspect is that while under the ACP, the benefit is in the form of the pay scale attached to the

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next higher post, it is the next higher stage of pay under the MACP.

8. The applicant did not have any qualms about the benefits under the ACP. It is only with regard to 3rd MACP. The OM dealing with the MACP clearly mentions that the 3rd MACP is extendable only on completion of 30 years of service. It is not in dispute that the service of the applicant was regularized in the year 1982 and 30 years of regular service stand completed in the year 2012. The respondents extended the benefit w.e.f. 06.05.2012. The plea of the applicant that her adhoc service must be reckoned is without any basis. The comparison sought to be made by her is of no use in as much as MACP is operated for individual employees and not in groups.

9. We do not find any merit in the OA and accordingly the same is dismissed.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/jyoti/rk/ns/sd