



**Central Administrative Tribunal
Principal Bench: New Delhi**

O.A. No.1955/2021

This the 9th day of September, 2021

Through Video Conferencing

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

Smt. Kiran Dewan
Ex-Senior Dietitian
H-14, Nav Bharat Apartment
A-4, Paschim Vihar
Delhi-110063.

...Applicant

(By Advocate: Mr. K. Girish Kumar)

Versus

1. Govt. of NCT of Delhi
Through Director Health Services
Directorate of Health Services
Department of Health and Family Welfare
Govt. of NCT of Delhi
F-17, Karkardooma, Delhi-110032.

2. Medical Director
Lok Nayak Hospital
Jawahar Lal Nehru Marg
New Delhi-110002.

...Respondents

(By Advocate: Mr. Anuj Kumar Sharma for Mr. H.A. Khan)

ORDER (ORAL)**Hon'ble Ms. Manjula Das, Chairman**

This Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985, seeking the following reliefs:-

“a. Direct the Respondent to implement the Modified Assured Career Progression Scheme(MACP) contained in O.M. No.35034/3/2008-Estt. D dated 19.05.2009 of the Govt. of India, Ministry of Personnel, Public Grievance and Pension, Department of Personnel and Training.

b. Direct the Respondent to release the withheld benefits of the 3rd Financial up-gradation under the MACP scheme to the Applicant along with an interest rate of 9% P.A. from the date of eligibility i.g. 08.08.2015 till the date of its payment.

c. Pass any other order(s) which the Hon'ble Court deems fit in the present facts and circumstances of the case.”

2. The facts of the case are that the applicant joined as Dietician in respondent organization on 10.08.1985 and was subsequently promoted to the post of Senior Dietician in May, 2020. Learned counsel submitted that the applicant during her entire service got only one promotion and superannuated on 30.11.2018. He further submitted that the applicant after putting in 30 years of



service was entitled to the benefit of 3rd financial upgradation under MACP Scheme, which has been withheld by the respondents even after her retirement.

3. Perusal of record reveals that the applicant has made several representations in this regard including the one being dated 26.10.2020. However, the same have not yet been decided as yet by the respondents.

4. We, therefore, dispose of this OA at the admission stage itself, without expressing any opinion on the merits of the case, with a direction to the applicant to submit a comprehensive representation to the respondents along with the copy of this order within a period of 15 days from the date of receipt of a copy of this order, and the respondents in turn will decide the same within a period of two months from the date of receipt of such representation, by passing a reasoned and speaking order, under intimation to the applicant. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Manjula Das)
Chairman

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