



CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH

Date of Order: 21.04.2021

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member  
Hon'ble Dr. Nandita Chatterjee, Administrative Member

OA. 350/563/2020      GOPA BISWAS

OA. 350/576/2020      JOYDIP BOSE

-Versus-

D/O INDIA POST

For the Applicants : Mr. B. P. Manna, Counsel  
Ms. P. Mondal, Counsel

For the Respondents : Mr. P. N. Sharma, Counsel

ORDER (Oral)

BIDISHA BANERJEE, MEMBER (J):

Since identical pleas have been raised and identical relief has been claimed, these two matters are taken up analogously for hearing to be disposed of by a common order. For the sake of brevity, facts in O.A.No. 563/2020 is delineated and discussed hereunder:

2. The applicant, in this O.A., has assailed an order dated 30.04.2019, which is extracted hereunder for clarity:

"No.9/Pay Fixation/Stepping Up/MACP/Admn.III-64-133      Dated: 30/04/2019

To  
Smt. Gopa Biswas, SA  
PA II Section

Subject: Prayer for Stepping up of Pay i.r.t/ MACP of junior.

In response to your representation submitted on 04/03/2019, it is intimated that as per item No. 10 of DOPT OM under MACP Scheme along with Para 20 of Annexure I vide no. 35034/3/2008-Estt.(P) dated 19/05/2009 explained, "Financial up-gradation under MACPS, shall be purely personal to the employee and shall have no relevance to his seniority position. As such, there shall be no additional financial up-gradation for the senior employees on the ground that the junior employee in the grade has got higher pay/grade pay under MACPS."

In this connection, there is no scope for stepping up of pay of the senior employees in respect to financial up-gradation under MACP of the junior officials.

This issues with the approval of the GM(PAF), Kolkata.

Asstt. Accounts Officer  
Admn.III Section"

3. Aggrieved with the above order, applicant has sought for the following

reliefs:

"8.1. Office Order no. 9/Pay Fixation/Stepping up/ MACP/Admn. III-64-133 dated 30.04.2019 issued by the Assistant Accounts Office

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*Admn. III section cannot be sustained in the eye of law and the same may be quashed.*

*II. An order do issued directing the respondents to grant pay parity by equalizing the basic pay of the applicant from the date of private respondent was given the higher pay in the same rank and also grant arrears."*

4. We have heard Ld. Counsel for both the parties and examined the documents on record.

5. At hearing, Ld. Counsel for the applicant would place a decision of this Tribunal in O.A.No. 402/2020 filed by an applicant from the same department as the present applicant, dissatisfied with the order dated 30.04.2019 issued by the Assistant Accounts Officer, Admin.III Section, alike the present applicant. This Tribunal having noted the decision in O.A. 2124/2011, a matter decided by the Principal Bench, passed the following orders::

*"7. However, appreciating his legitimate grievance, we permit the applicant to prefer a comprehensive representation to the respondent authorities citing the decisions supra, within a period of four weeks from the date of receipt of a copy of this order to seek benefit of the decisions, which, if preferred shall be considered in the light of the decisions and disposed of by the respondent authorities with a reasoned and speaking order in terms of the said decisions within a further period of 2 months. In the event that nothing else stands in the way, the applicant shall be extended the benefit of the said decisions within the time frame."*



6. Ld. Counsel for the applicant would submit that he would be fairly satisfied if an identical direction is issued.

7. Ld. Counsel for the respondents would bring to our notice a decision rendered by a Larger Bench of Apex Court in **Union of India & Ors. Vs. M.V.Mohanan Nair (Civil Appeal No. 2016/2020 arising out of SLP(C) No. 21803/2014)**. Ld. Counsel would submit that the issue whether the senior employees are entitled to stepping up of their Grade Pay at par with the Grade Pay of their juniors, who were getting higher Grade Pay on account of implementation of MACP Scheme, has been decided by the Apex Court.

8. We would notice that in the said decision Hon'ble Apex Court has clarified as under:

*"The main questions falling for consideration in these appeals are:*

- (i) *Whether MACP scheme entitles financial upgradation of pay to the next grade pay or to the grade pay of the next promotional post as envisaged under the ACP scheme? Whether MACP Scheme envisages grant of financial upgradation in Grade Pay Hierarchy and not in promotional hierarchy?*
- (ii) *As contended by the respondents, whether MACP scheme is disadvantageous to the employees in comparison to ACP scheme as long as the financial upgradation is granted in hierarchy of grade pay under MACP scheme?*
- (iii) *Whether respondents are entitle to stepping up of their grade pay to be at par with grade pay of their juniors who were getting*

*the higher grade pay on account of implementation of MACP Scheme?*

*Appeals relating to Issue No.III were ordered to be de-tagged and listed separately."*

Therefore, it is evident that Issue No. III was ordered to be de-tagged and to be listed separately and, therefore, the decision would not apply to the case at hand. However, since the Ld. Counsel for the applicant insists that the authorities be directed to examine the grievance/claim of the applicant in the light of the said decision, we direct the authorities, as directed in O.A. 402/2020, to prefer comprehensive representation to respondent authorities citing the decisions as would come to their aid within a period of four weeks from the date of receipt of a copy of this order to seek benefit of the said decisions. In the event such representation is preferred, the same shall be considered in the light of the decisions cited therein as also the decision in the Civil Appeal No. 2016/2020 in **Union of India & Ors. Vs. M.V.Mohanan Nair**, if the same applies to the fact and situation of the present case and said comprehensive representation shall be disposed of with a reasoned and speaking order within a period of two months.



In the event nothing stands in the way, the applicants in the two OAs shall be extended the benefit of said decisions as cited by them within the aforesaid time frame.

9. The O.As. accordingly stand disposed of with the consent of the parties and without any order as to costs.

**(Nandita Chatterjee)**  
Member (A)

**(Bidisha Banerjee)**  
Member (J)

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