

12

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O.A No.204 of 2010

Parikshita Panda Applicant
Vs
UOI & Ors. Respondents
.....

Order dated -19-08-2011.

CORAM:

THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)
AND
THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDL.)
.....

In this OA the prayer of the Applicant is to quash the order under Annexure-A/3 dated 13.03.2010 in which the benefit of financial up gradation granted to the applicant under MACP Scheme was withdrawn. Through counter Respondents have brought to the notice of this Tribunal that the Applicant was not entitled to financial up gradation under MACP as was granted to him as he had already got three promotions first one on 23.4.1983 to Tech. III, second one on 01.01.1986 to Tech.II and the third one on 01.03.1991 to Tech.I. In support of this the Respondents have also filed copy of the Service Book as at Annexure-R/1. Applicant has filed rejoinder and reply to rejoinder has also been filed by the Respondents. Heard Learned Counsel for both sides and perused the materials placed on record.

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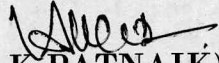
The benefit of financial up gradation under MACP is granted in lieu of stagnation. The scheme MACPS envisages that there shall be three financial up-gradations, counted from the direct entry grade on completion of 10, 20 and 30 years service respectively. Financial up-gradation under the Scheme will be admissible whenever a person has spent 10 years continuously in the same grade-pay. Since the applicant has already got three promotions as stated by the Respondents supported by the Service sheet at Annexure-R/1 and the authority has every power and competence to rectify its mistake at any point of time, we see no merit in this OA in so far as the prayer of the applicant to quash the order under Annexure-A/3 is concerned. However, in view of the decisions of the Hon'ble Apex Court in the cases of **B.J.Akkara v Government of India** (2007) 1 SCC (L&S) 529 (para 27), **Sahib Ram v State of Haryana**, 1995 SCC (L&S) 248, **Shyam Babu Verma v Union of India**, (1994) 2 SCC 521, **Union of India V M.Bhaskar** (1996) 4 SCC 416 and **V.Gangaram V Regional Joint Director**, (1987) 6 SCC 139 and in absence of any stand that the applicant had contribution in his getting the financial up gradation under MACP, it is ordered that there shall be no recovery of the amount paid to the applicant by way of financial up-gradation which


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14

was subsequently withdrawn under Annexure-A/3. With the aforesaid

observation, this OA stands disposed of. No costs.


(A.K.PATNAIK)
Member (Judl.)


(C.R.MOHAPATRA)
Member (Admn.)

