

**Central Administrative Tribunal
Ernakulam Bench**

OA No.479/2013

Thursday, this the 6th day of August, 2015

CORAM

**HON'BLE MR.JUSTICE N.K.BALAKRISHNAN, JUDICIAL MEMBER
HON'BLE Mrs. P.GOPINATH, ADMINISTRATIVE MEMBER**

K.Harilal
District Youth Coordinator
Nehru Yuva Kendra Sangathan
Idukki.

Applicant

(By Advocate: Mr.Siby J.Monippally)

Versus

1. Union of India represented by
Secretary, Youth Affairs and Sports
Sasthri Bhavan, New Delhi.
2. Director General
Nehru Yuva Kendra Sangathan
2nd Floor, Core-IV, Scope Minar
Lakshmi Nagar District Centre
Vikas Marg, New Delhi-92.
3. Zonal Director
Nehru Yuva Kendra Sangathan
Trivandrum.

Respondents

(By Advocate: Mr. N.Anil Kumar, Sr.PCGC)

The Original Application having been finally heard on 3rd August, 2015, this Tribunal delivered the following order on 6th August, 2015:

ORDER

By Mrs.P. Gopinath, Administrative Member

Applicant is aggrieved by the denial of financial upgradation under Modified Assured Career Progression (MACP) Scheme on completion of 20 years of service as District Youth Coordinator.



2. The applicant entered the services of the Nehru Yuva Kendra on 21.9.1992 as District Youth Coordinator, Wynad. He was granted the first financial upgradation under MACP Scheme by order dated 21.9.2012 (Annexure A1). The applicant alleges that his juniors were granted two financial upgradations whereas he got only one. His representation at Annexure A2 has not been acted upon.

3. The respondents in their reply statement have contended that the applicant was considered for 1st and 2nd financial upgradation under MACP Scheme on completion of 10 and 20 years of regular service. The Departmental Promotion Committee (DPC) had found him 'fit' for the first upgradation. However, for the second upgradation, the DPC found him 'unfit' as he was below the benchmark.

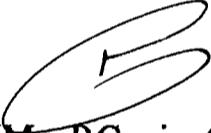
4. Heard the learned counsel for the applicant and the respondents and perused the Minutes of the Screening Committee held on 10.7.2012 for granting benefit of MACP to Assistant Directors/District Youth Coordinators (DYC). The Committee assessed the records of DYC who had completed 10/20 years in the post for first and second financial upgradation under MACP Scheme. As per Annexure A1 attached list, the applicant's name appears at Sl.No. 44 and as per Column 6 he has been given Grade Pay of Rs.6600 as first MACP and the second MACP as per the same document is Grade Pay of Rs.7600. Those assessed "Very Good" or "Outstanding" were recommended for up-gradation i.e. 1st up-gradation for 10 years and 2nd for 20 years as on 1.9.2008. Those assessed "Good" were recommended for one up-gradation even if they completed 20 years as the benchmark for Grade Pay of second MACP was "Very Good". The applicant's name is appearing at Sl.No.140 and has been assessed by the Screening Committee as "Good" and hence unfit for 2nd upgradation under MACP. The applicant is hence praying for financial up-gradation to grade pay of Rs.7600/-.

A handwritten signature in black ink, appearing to be the initials 'C' or a stylized 'C'.

5. The Department of Personnel, Public Grievances and Pension's O.M. No.35034/3/2008-Estt (D) dated 19.5.2009 (**Annexure A5**) details the MACP Scheme. Para 17 of the Scheme reads as follows:

"17. The financial up-gradation would be on non-functional basis subject to fitness, in the hierarchy of grade pay within the PB-1. Thereafter for up-gradation under the MACPS, the bench mark of "Good" would be applicable till the Grade Pay of Rs.6600/- in PB-3. The bench mark will be "Very Good" for financial up-gradation to the grade pay of Rs.7600/- and above.

6. According to the DoPT OM cited supra, the benchmark for financial up-gradation to Grade Pay of Rs.7600/- is "Very Good". The Screening Committee in its meeting of 10/7/2012 has graded the applicant K.Harilal at Sl.No.140 as "Good" only. The applicant who is seeking up-gradation to grade pay of Rs.7600 does not have the appropriate grading as per DoPT OM (supra) and thus he is not to be declared fit for grant of second MACP on completion of 20 years on 21.9.2012. The OA is accordingly dismissed. No order as to costs.



(Mrs. P. Gopinath)
Administrative Member

aa.



(N.K. Balakrishnan)
Judicial Member