

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ERNAKULAM BENCH**

**Original Application No. 525 of 2013**

**Monday, this the 17<sup>th</sup> day of March, 2014**

**CORAM:**

**Hon'ble Mr. Justice A.K. Basheer, Judicial Member**  
**Hon'ble Ms. Minnie Mathew, Administrative Member**

N. Muraleedharan Nair, aged 61 years, S/o. Narayana Pillai, (Retired Senior Hindi Translator, Directorate of Census Operation, CGO Complex, Vellayani PO, Trivandrum-22), Residing at : Thalayappil House, Sarkara, Chirayinkeezh PO, Thiruvananthapuram Dt., Pin – 695 304. ....

**Applicant**

**(By Advocate – Mr. T.C. Govindaswamy)**

**V e r s u s**

1. Union of India, represented by Secretary to the Government of India, Ministry of Home Affairs, North Block, New Delhi-110 001.
2. The Registrar General, Ministry of Home Affairs, No. 2A, Man Singh Road Road, New Delhi – 110 011.
3. The Director of Census Operation, Directorate of Census Operation, Kerala, Trivandrum – 695 522.
4. The Secretary to the Government of India, Department of Personnel & Training, Ministry of Personnel, Public Grievances and Pension, New Delhi – 110 001.
5. The Secretary to the Government of India, Ministry of Finance, Department of Expenditure, New Delhi-110 001. ....

**Respondents**

**(By Advocate – Mr. Sunil Jacob Jose, SCGSC)**

This application having been heard on 17.03.2014, the Tribunal on the same day delivered the following:

**O R D E R**

**By Hon'ble Mr. Justice A.K. Basheer, Judicial Member-**

Applicant retired from service on May, 2012 while working as Senior

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Hindi Translator under Directorate of Census Operation, Kerala. The grievance of the applicant in this Original Application is that he was denied 3<sup>rd</sup> financial upgradation under the Modified Assured Career Progression Scheme when it fell due. He has sought the following reliefs in this Original Application:-

“(i) Declare that the non-feasance on the part of the respondents to consider and grant the applicant the benefit of the third financial upgradation under the MACP scheme w.e.f. 5.6.2010 in PB 3 + GP Rs. 6600/- is arbitrary, discriminatory, contrary to law and unconstitutional;

(ii) Direct the respondent to consider and grant the applicant the benefit of the third financial upgradation in PB 3 + GP Rs. 6600/- with effect from 5.6.2010 with all the consequential arrears emanating therefrom;

(iii) Direct the respondents to pay interest at the rate of 12 percent per annum (to be compounded annually) on the arrears of pay and allowances, pension, gratuity, commuted value of pension, leave salary etc. to be calculated with effect from the dates from which the arrears fell due up to the date of fully and final settlement of the same.”

2. In the written statement the respondents have denied the allegation that there was wilful delay or laches on their part. The specific case of the respondents is that they had taken up the case of the applicant with the nodal Department along with the case of several other similarly situated employees even before any claim was made by the employees concerned. The delay, if any, has occurred only because of the time taken by the Department for issuing clarification.

3. Any how when the case is taken up for consideration today, learned counsel for the applicant has brought to our notice an order dated February 6,



2014 passed by the Office of the Registrar General, India under the Ministry of Home Affairs. By virtue of this order applicant has been granted the 3<sup>rd</sup> financial upgradation under the MACP scheme in Pay Band-3 i.e. Rs. 15,600-39,100 with Grade Pay of Rs. 6,600/- with effect from June 5, 2010. It is further mentioned in the order that the pay of the applicant in the grade of Senior Hindi Translator shall be fixed in accordance with para 4 of Annexure 1 to DOPT OM dated May 19, 2009. It has also been clarified that the applicant may give his option under FR 22(1)(a)(1) to get his pay fixed in the higher Grade Pay either from the date of his upgradation or from the date of his next increment viz. 1<sup>st</sup> July for pay fixation within one month from the date of issue of the order. Learned counsel submits that by virtue of this order the claim of the applicant is redressed to a large extent. However, learned counsel submits that applicant may be awarded interest for the delayed payment.

4. This Original Application has been filed only in June, 2013. The respondents have given plausible reasons for the delay that has occurred. In the peculiar facts and circumstances of the case we are not inclined to award any interest. However, the respondents shall ensure that the consequential benefits are granted to the applicant within an outer limit of three months from the date of receipt of a copy of this order.

5. Original Application stands disposed of as above. No costs.

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 (MINNIE MATHEW)  
 ADMINISTRATIVE MEMBER

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 (JUSTICE A.K. BASHEER)  
 JUDICIAL MEMBER

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