

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

22.07.2011

MA 195/2011 (OA No. 209/2010)

Mr. Vinod Goyal, Counsel for applicant.

Mr. Mukesh Agarwal, Counsel for respondents.

This MA has been filed by the respondents for taking certain documents on record.

Having heard the rival submissions made on behalf of the respective parties, this MA is allowed. The documents filed alongwith this MA are taken on record.

The MA stands disposed of accordingly.

OA be listed for hearing on 08.08.2011.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

K. S. Rathore
(Justice K.S. Rathore)
MEMBER (J)

AHQ

8.8.2011

Mr. Vinod Goyal, Counsel for applicant.

Mr. Mukesh Agarwal, Counsel for respondents

Heard. The OA is disposed of by a separate order.

Anil Kumar
(Anil Kumar)
M(A)

K. S. Rathore
(Justice K.S. Rathore)
M (J)

*rejoinder filed.
Documents
taken in OA*

[Signature]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 08th day of August, 2011

ORIGINAL APPLICATION NO. 209/2010

CORAM

HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

B.S. Rekhi son of Shri Rajendra singh Rekhi aged about 60 years,
resident of 445/4, Rajapark, Jaipur, retired from the post of Supervisor
in the Office of PAG (Civil Audit), Rajasthan, Jaipur.

.....Applicant

(By Advocate: Mr. Vinod Goyal)

VERSUS

1. Union of India the Comptroller & Auditor General of India, 10,
Bahadur Shah Zafar Marg, New Delhi.
2. The Principal Accountant General (Civil Audit) Rajasthan,
Janpath, Near Statue Circle, Jaipur.
3. The Senior Deputy Accountant General (Admn.), AG Office,
Janpath, Near Statue Circle, Jaipur.

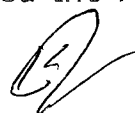
.....Respondents

(By Advocates: Mr. Mukesh Agarwal)

ORDER (ORAL)

The applicant challenged impugned order dated 03.03.2009
(Annexure A/1) passed by the respondents whereby the benefit of
MACPS has been denied to him and he was informed that he did not
fulfill the condition laid down in Para 17 of Annexure I of the MACPS
issued by Department of Personnel & Training vide OM dated
19.05.2009.

2. During the pendency of the OA, the representation of the
applicant dated 31.01.2011 has been considered by the respondents
against the grading awarded to him in the ACR for the period 2006-
2007 vide order dated 10.05.2011 (Annexure A/6) and the applicant
was informed that the competent authority has reviewed the remarks



and upgraded his grading from "Average" to "Good". The benefit of MACP has been awarded to him w.e.f. 01.07.2009.

3. So far as the benefit of MACP granted to the applicant, the respondents also did not dispute that the benefit of MACP has been awarded to the applicant w.e.f. 01.07.2009. Now the controversy remains in the OA is that instead of 01.07.2009, the benefit of MACP should be granted w.e.f. 01.09.2008 as had been given to other similarly situated employees.

4. Learned counsel for the respondents dispute this fact and submitted that in view of the office Memorandum dated 16.06.2011, the respondents have rightly given the benefit of MACP Scheme to the applicant w.e.f. 01.07.2009 but failed to submit as to how the other similarly persons have been given the benefit of MACP Scheme w.e.f. 01.09.2008 and has not disputed that the competent authority has reviewed the remarks of the applicant and upgraded his grading from "Average" to "Good" for the period 2006-2007.

5. Having heard the rival submissions of the respective parties and upon careful perusal of the record of the case, we are of the view that the applicant is entitled to get the benefit of MACP Scheme w.e.f. 01.09.2008 as has been given to other similarly situated persons.

6. With these observations, the OA is disposed of with no order as to costs.

Anil Kumar

(ANIL KUMAR)
MEMBER (A)

J. S. Rathore

(JUSTICE K.S. RATHORE)
MEMBER (J)

AHQ