

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 08th day of August, 2011

ORIGINAL APPLICATION NO. 79/2010

CORAM

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

Ashok Kumar Jain III son of Late Shri Mangat Ram Jain, aged 55 years, resident of Vishveshwaria Nagar (Extn.), Gopalpura Byepass, Tonk Road, Jaipur. Presently posted as AAO/LBA in the 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 13.11.2009 (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 19.10.2010 has been considered by the respondents against the grading awarded to him in the ACR for the period 2005-2006 vide order dated 10.01.2011 (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 03.02.2011, 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 2005-2006.

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)

K. S. Rathore

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

AHQ