

**Central Administrative Tribunal
Principal Bench, New Delhi.**

**RA-212/2014 in
OA-3743/2013**

Reserved on : 11.02.2016.

Pronounced on : 16.02.2016.

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. Shekhar Agarwal, Member (A)

Sh. Praveen Swami,
S/o Sh. P.N. Swami,
R/o B-8, Phase-II,
Vijay Vihar, New Delhi-85. Applicant

(through Sh. Yogesh Sharma, Advocate)
Versus

1. Union of India through
Secretary, M/o Labour & Employment,
Shram Shakti Bhawan, Rafi Marg,
New Delhi-1.
2. Employees Provident Fund Organisation
Through Central Provident Fund Commissioner,
Bhavishya Nidhi Bhawan,
14, Bhakaji Cama Place,
New Delhi.
3. Secretary,
Department of Personnel & Training,
M/o Personnel, Public Grievances & Pensions,
North Block, New Delhi.
4. Regional Provident Fund Commissioner (North),
EPFO, 28, Community Centre, Wazirpur
Industrial Area, Delhi-5. Respondents

(through Sh. Satpal Singh, Advocate)

O R D E R

Mr. Shekhar Agarwal, Member (A)

This Review Application has been filed by OA applicant for review of our judgment dated 14.10.2014 by which the OA was dismissed. The respondents have filed their reply opposing the review application.

2. We have heard both sides and have perused the material on record. Learned counsel for the review applicant argued that this Tribunal has held in its judgment that Para-24 of the MACP Scheme relied upon by the applicant does not apply in his case and he cannot get any benefit from the same whereas actually the applicant had relied upon clarification of this para issued by DoP&T on 01.11.2010.

2.1 We have considered the aforesaid submission of the review applicant. We find that Para-3 of our judgment reads as follows:-

3."We have heard both parties and have perused the material on record. Our attention has been drawn to Para-10 of the guidelines pertaining to MACP Scheme. It reads as follows:-

"Past service rendered by a Government employee in a State Government/statutory body/Autonomous body/Public Sector organization, before appointment in the Government shall not be counted towards Regular Service."

It is evident that as per this provision the applicant is not entitled for the benefit he is asking for. However, learned counsel for the applicant argued that the case of the applicant was covered by Para-24 of the same guidelines, which reads as follows:-

"In case of an employee after getting promotion/ACP seeks unilateral transfer on a lower post or lower scale, he will be entitled only for second and third financial upgradation on completion of 20/30 years of regular service under the MACPS, as the case may be, from the date of his initial appointment to the post in the new organization."

2.2 We also find from the pleadings in the O.A. that ground 5.2 of the applicant was as follows:-

"Because applicant is eligible to be granted MACT in terms of Para 2 of the OM dt. 01/11/10 issued by respondent No.3."

2.3 Thus, it is evident that the applicant had relied upon the clarification to Para-24 dated 01.11.2010 issued by DoP&T and not on Para-24 of the Scheme as held by us in our judgment. Hence, an error apparent on the face of the record has crept into our judgment, which needs to be reviewed.

3. We, therefore, allow this review application and recall our order dated 14.10.2014. The O.A. is restored for fresh hearing. List on 03.03.2016.

(Shekhar Agarwal)
Member (A)

(V. Ajay Kumar)
Member (J)

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