

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

OA No.509/2014

New Delhi, this the 25th day of May, 2016

Hon'ble Mr. P.K. Basu, Member (A)

Hon'ble Dr. Brahm Avtar Agrawal, Member (J)

Ms. Lata Rani
W/o Mr.siddarh,
R/o H.-101, Ashok Vihar, Phase-I
New Delhi-110052. ... Applicant
(By Advocate : Mr. Y.S.Chauhan)

Versus

1. Govt. of NCT of Delhi
Through its Chief Secretary
Delhi Secretariat, Players Building
New Delhi.-110002.
2. Principal
(R.S.) L.N.Saraswati Girl Sr. Sec. School
Katara Neel, Chandni Chowk, Delhi-6
3. Account Officer,
Deputy Director of Education,
Distt. North, Lucknow Road, Delhi Respondents

(By Advocate: Mr.Vijay Pandita)

ORDER (ORAL)

Hon'ble Mr. P.K. Basu, Member (A)

The whole issue in this OA is whether the applicant gave option to fix his pay on grant of second MACP from 06.03.2009 i.e., date of grant of upgradation or from the next date of increment, which is 01.07.2009. Learned counsel for the

applicant has produced the copy of his option (Annexure A-3) claiming to be Option Form, which follows as under:-

OPTION FORM

I LATA RANI, Designation TGT (S.SC) hereby opt to draw the pay after implementation of MACP-II w.e.f 06.03.2009.

My pay fixation may kindly be made as on 06.03.2009, in the pay grade of Rs. 5400/- in pay band 9300-43800 after grant of MACP-II w.e.f. 01.07.2009.

Signature SD/-
Name of the employee Lata Rani
Design. TGT (S.SC)
(R.S. L.N. Saraswati Girl Sr.Sec.School
Katara Neel, Chandni Chowk, Delhi-6

2. Learned counsel for the respondents have filed (Annexure R-1) dated 08.08.2013, in which there is no mentioned of the date, i.e. 01.07.2009. It is also clear from the language of the Option Form that the applicant had clearly asked for the pay fixation w.e.f. 06.03.2009.

3. The applicant, thereafter, stated that he had filed a revised option as per instruction contained in DOP&T office memorandum dated 30.06.2008. However, we find clarification ascertained in office memorandum dated 29.01.2009, which clearly states that this revised option had to be filed within one month from the date of the order.

4. The applicant points out letter dated 27.11.2013 wherein he has sought change of date to the next date of increment w.e.f. 01.07.2009 instead of 06.03.2009 is within one month of order dated 30.10.2013 by which respondents fixed his pay in the upgraded scale.

5. Learned counsel for the applicant vehemently states that the period of one month should be counted from the order dated 30.10.2013 (impugned order), which order is basically fixing his dates of increment and pay thereon after initial fixation in upgraded scale on 06.03.2009. We record this contention of the applicant only to be rejected because the instruction is very clear that the option has to from the date of the original order. That the original was issued on 19.05.2012 upgrading his scale w.e.f. 06.03.2009 is clear from order dated 30.10.2013. Clearly the applicant's application dated 27.11.2013 is much beyond the one month period. The OA is, therefore, dismissed. No costs.

(Dr. Brahm Avtar Agrawal)
Member (J)

(P.K. Basu)
Member A)

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