

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

**RA-307/2015 in
OA-2387/2014
MA-4009/2015
And
OA-2387/2014**

Reserved on : 18.04.2016.

Pronounced on: 21.04.2016.

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

Sh. Anand Singh,
Assistant Deputy Director (Retired)
R/o A16/10, Vasant Vihar,
New Delhi-110057.

.... Applicant

(through Sh. B.K. Berera, Advocate)

Versus

1. Union of India through
Secretary,
Ministry of Finance,
Department of Expenditure,
North Block,
New Delhi-110001.
2. The Director,
Ministry of Finance,
Department of Expenditure,
Staff Inspection Unit,
5th Floor, 'A' Wing,
Lok Nayak Bhawan, Khan Market,
New Delhi-110003.

..... Respondents

(through Sh. D.S. Mahendru, Advocate)

O R D E R

Mr. Shekhar Agarwal, Member (J)

This Review Application has been filed by the OA applicant for review of our order dated 20.08.2015 by which OA-2387/2014 was dismissed. According to the review applicant, an error apparent on the face of the record has crept into the judgment of the Tribunal because in Para-12 of the aforesaid judgment,

the Tribunal has observed that the applicant had rendered only 23 years of service commencing from 14.03.1984 to 28.02.2007 and was, therefore, not eligible for grant of second financial upgradation, which is granted only on completion of 24 years of service.

2. The OA respondents, who are also respondents in this review application, have opposed the review application. They have stated that there was no error in the judgment and that the pleadings of the review applicant were vague and baseless and an effort on his part to re-argue the case.

3. We have heard both sides and have perused the material on record. We notice that in Para-12 of our judgment in question, we have observed as follows:-

“.... However, the fact is that he has rendered only a period 23 years of service w.e.f. 14.03.1984 to 28.02.2007 and the second financial upgradation was due to him only after completion of 12 years w.e.f. 16.09.1999, i.e. with effect from 16.09.2011. However, he has already retired from service on 28.02.2007. Hence, he is not entitled for the same. He also cannot compare himself with his junior Shri M.R. Jumle as the financial benefits under the ACP have no relevance to the seniority. OA is accordingly dismissed. No costs.”

3.1 On the other hand, in para-2 of the judgment in which brief facts of the case have been noted, it has been mentioned that the applicant entered the Government service on 18.09.1965 as a Computer in the pay scale of Rs.110-200 and that he got promotion as Research Investigator Grade-I (Statistics) in the pay scale of Rs. 550-900 (revised to Rs. 5500-9000 by Vth CPC) w.e.f. 14.03.1984. These facts have not been disputed by the respondents also. Thus, it is clear that while delivering the aforesaid judgment, this Tribunal lost sight of the fact that the service of the applicant had commenced from 18.09.1965 and not from 14.03.1984. The applicant had before his retirement in 2007 put in about 42 years of service and not 23 years as has been observed in the judgment.

Hence, an error apparent on the face of the record has crept into our judgment and, therefore, our order dated 20.08.2015 deserves to be recalled. We order accordingly. OA-2387/2014 has been restored to its original number and has been heard.

OA-2387/2014

4. During the course of the arguments, learned counsel for the applicant Sh. B.K. Berera conceded that the applicant had given up his claim for stepping up of his pay with respect to the pay of his junior Sh. M.R. Jhumle and was now seeking 2nd financial upgradation under the MACP Scheme on the strength of his own service credentials.

4.1 Learned counsel for the applicant argued that the applicant had joined Government service in the pay scale of Rs.110-200 on 18.09.1965. He got promotion to the post of Research Investigator Grade-I in the pay scale of Rs.550-900 (revised to Rs. 5500-9000 by Vth CPC) on 14.03.1984. Thereafter, he got first financial upgradation under the ACP Scheme on 16.09.1999 in the pay scale of Rs.6500-10500. On 28.02.2000, he got regular promotion to this pay scale and was promoted to the post of Junior Analyst/Asstt. Deputy Director. However, after implementation of VIth CPC, the pay scales of Rs.5500-9000 and Rs. 6500-10500 got merged. Therefore, as per provision of the MACP Scheme, this upgradation/promotion granted to the applicant was to be ignored and the applicant was entitled to second financial upgradation under the MACP Scheme w.e.f. 01.01.2006.

5. On going through the facts of this case and the provisions of the MACP Scheme, we find that there is considerable merit in the submissions of the learned counsel for the applicant. The applicant has relied upon Annexure-I of the MACP Scheme in support of his claim wherein as illustrations cases of

employees working in pay scales of Rs.5000-8000, Rs. 5500-9000 and Rs.6500-10500 have been discussed. It has been provided that since these pay scales have been merged by the VIth CPC, the promotions/upgradations granted in these scales prior to 01.01.2006 have to be ignored.

5.1 If provisions of the MACP Scheme are applied in the instant case, then it would follow that the applicant, who had joined service on 18.09.1965, had got only one promotion as Research Investigator Grade-I in the year 1984. Consequently, he became entitled to second financial upgradation under the MACP Scheme w.e.f. 01.01.2006.

5.2 In view of the above, we allow this O.A. The respondents are directed to consider granting second financial upgradation to the applicant under MACP Scheme w.e.f. 01.01.2006. If found eligible, he shall also be entitled to pay and pension revision and the monetary benefits arising out of the same. These benefits shall be extended to him within a period of eight weeks from the date of receipt of a certified copy of this order. No costs.

6. Both RA-307/2015 and OA-2387/2014 stand allowed accordingly.

(Shekhar Agarwal)
Member (A)

(V. Ajay Kumar)
Member (J)

/Vinita/