

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

OA 650/2014

Order reserved on: 18.02.2016

Order pronounced on: 24.02.2016

Hon'ble Mr. P.K. Basu, Member (A)
Hon'ble Mr. Raj Vir Sharma, Member (J)

1. Shri Gurucharan Sharma
Retired PGT
S/o Late Shri Harbans Lal Sharma
R/o G-15, Mukh Ram Garden,
New Delhi-18
2. Smt. Saroj Ahuja
Retired PGT
W/o Shri Sadanand Ahuja
R/o A-20, Manak Vihar
New Delhi-18
3. Shri Sadanand Ahuja
Retired PGT
S/o Late Shri Ram Ji Dass Ahuja
R/o A-20, Manak Vihar
New Delhi-18
4. Shri Satish Kumar Dhuria
Retired PGT
S/o Shri Munshiram
R/o C-151, Rishinagar
Rani Bagh, Shakur Basti
Delhi-34
5. Shri Joginder Pal Singh
Retired TGT
S/o Late Shri Davinder Singh
R/o E-49, Ground Floor
Guru Nanakpura, Janakpuri,
New Delhi-58
6. Smt Ajit Kaur
Retired TGT
W/o S. Gurucharan Singh
R/o 6/15, Ashok Nagar
New Delhi-15

7. Smt. Sushma Chawla
Retired TGT
W/o late Shri Sohanlal Chawla
R/o C-100, Tagore Garden Extension
New Delhi-27
8. Smt. Shashi Chopra
Retired TGT
W/o Shri Subhash Chopra
R/o H-70, Rajouri Garden ND
9. Shri Ishwar Dutt Wadhwa
Retired TGT
S/o Shri Vasdev Wadhwa
R/o 42-B JA Pocket
Hari Enclave ND-64
- 10.Smt.Naresh Nagpal
Retired TGT
W/o Shri Suraj Prakash Nagpal
R/o WZ-64/1, Meenakshi Garden
ND-18
- 11.Shri Naresh Kumar Tangri
Retired TGT
S/o Shri Premchand
R/o 122, Block C-2A, Janakpuri
ND-58
- 12.Smt.Surinder Kaur,
W/o S. Pritpal Singh,
R/o J-13/24, II Floor,
Rajouri Garden,
ND-27

... Applicants

(Through Shri Jai Prakash, Advocate)

Versus

- 1 Govt. of NCT of Delhi,
Through its Chief Secretary
Delhi Sachivalaya, I.P. Estate, ITO
ND
2. The Director of Education,
Directorate of Education
Govt. of NCT of Delhi, Old Secretariat
Delhi

... Respondents

(Through Shri K.M. Singh, Advocate)

ORDER

Mr. P.K. Basu, Member (A)

All the applicants, who have retired between 1.01.2006 and 1.09.2008, the latter being the date from which Modified Assured Career Progression Scheme (MACPS) became effective, have prayed that the Tribunal may direct the respondents to grant upgradation under MACPS after completion of 10, 20 and 30 years of regular service from the date of their appointment as TGT or with effect from 1.01.2006, whichever is later with consequential benefits of arrears/ revised pension and terminal benefits.

2. The ground raised for the claim is that pensioners have been allowed benefit from 1.01.2006 without arrears of previous years. In this regard, the applicants placed reliance on the order of this Tribunal in OA 655/2010, **Central Government SAG (S-29) Pensioners Asson. and another Vs. Union of India**. It is seen from the order of this Tribunal in the aforesaid OA that the applicants therein were pre-2006 retirees and were claiming pension at par with post-2006 retirees based on the recommendations of the 6th Central Pay Commission. The issue before the Tribunal in the cited case was clearly quite different from the issue in the case in hand.

3. Learned counsel for the respondents states that since the government has taken a decision to implement the MACPS from 1.09.2008, there is no question of the applicants getting benefit

from a date prior to that date. Moreover, there is no prayer by the applicants to set aside the MACPS. It is thus prayed that the OA deserves to be dismissed.

4. We have heard the learned counsel for the parties and gone through the pleadings available on record.

5. The simple question is that when MACPS has come into effect from 1.09.2008, no benefit can be granted to anyone from a date prior to that, which the applicants are seeking. The parity which the applicants are trying to draw with the pensioners, is completely misplaced as the facts and circumstances of the two cases are vastly different.

6. Therefore, we find no merit in this OA. It is, therefore, dismissed. No costs.

(Raj Vir Sharma)
Member (J)

(P.K. Basu)
Member (A)

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