

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

OA-692/2013

New Delhi, this the 5th day of December, 2016.

Hon'ble Mr. Shekhar Agarwal, Member (A)

Hon'ble Mr. Raj Vir Sharma, Member (J)

1. Dr. Madan Lal Kaushik,
S/o Sh. Siya Ram Sharma,
R/o C-6, Patel Nagar-II,
Ghaziabad (UP).
2. Dr. Anil Kumar Vashishtha,
S/o Sh. Karan Singh,
R/o BD-274, Avantika,
Ghaziabad-201002, UP.
3. Jagat Narayan Aggarwal,
S/o Sh. R.L. Gupta,
R/o 20-D, Gayatri Apartment,
Sector-9, Rohini, Delhi-110085.
4. Surendra Kumar,
S/o Sh. Vasu Dev Verma,
S II, B-1/31, Premanjali Aptt.
Dilshad Extn. II, DLF, Sahibabad.
Ghaziabad, UP.
5. Shabana Nazeer,
W/o Sh. M.N. Nazeer,
R/o 251, Delhi Aptt.
15-C/22, Dwarka,
Delhi-110077.
6. Savita Drall,
S/o Sh. Ashok Kumar,
R/o H.No. 627, Block No. 2,
Baba Kharag Singh Marg,
New Delhi.
7. Om Prakash Dahiya,
S/o Late Sh. Ram Chander,
R/o 398, Old Housing Board Colony,
Near Subji Mandi Sonapat, Haryana.
8. Saraswati Arya,
W/o SH. Ashok Arya,
R/o H.No. 1208, Sector-15,
Sonapat-131001.

9. Mahi Pal Yadav,
S/o Sh. S. D/ Yadav,
R/o 304, MGF, Block-2,
Motiakhn, Pahar Gang,
Delhi.
10. Usha Rani Saini,
W/o Sh. O.P. Saini,
R/O 303, Motiakhn, Pahar Ganj,
Delhi-110055.
11. Ashok Kumar,
S/o Sh. Vijay Singh,
R/o 562, Sunlight Colony-II,
Hari Nagar Ashram,
New Delhi-110014.
12. Satyavir Singh Mawai,
S/o Sh. Ram Swaroop Singh,
R/o C-128-B, Sector-20,
NOIDA, Distt. G.. Nagar,
UP.
13. Virendra Singh Yadav,
S/o Sh. Budh Singh Yadav,
R/o D-68, Arya Nagar Aptt.
IP Extension, Patpar Ganj,
Delhi-110092.
14. Dr. Sarita Rai,
W/o Sh. Dr. R.K. Rai,
R/o 203, Technology Aptt.,
IP Extension, Patpar Ganj,
Delhi-110092.
15. S.C. Meena,
S/o Sh. Ramjee Lal,
R/o C/o RZA-65, PH-IV,
Gali No. 7, Phase-IV,
Prem Nagar, Najafgarh,
New Delhi-110043.
16. R.K. Reddy,
S/o Sh. C.R. Reddy,
R/o 180, Sant Nagar, (EOK),
New Delhi-110065.
17. Kishor Kumar Abaji Sorte,
S/o Late Sh. A.K. Sorte,
R/o AN/68, DDA Flats,
Shalimar Bagh, Delhi-110088.
18. Dr. S.K. Verma,

S/o Late Sh. R.C. Verma,
R/o 1148, Kanjhawala,
Delhi-110081.

19. Dr. Ramesh Chand,
S/o Sh. Ram Prasad,
R/o B-8L, DLF Ghaziabad, UP.
20. C.K.P, Naidu,
S/o SH. C.B.K. Naidu,
R/o 53, Unique Aptt., Sec-13,
Rohini, Delhi-110085.
21. Dr. Kishan Singh Yadav,
S/o SH. Dalip Singh,
R/o G-51, 1st Floor, Naraina Vihar,
New Delhi-110028.
22. Anil Kumar,
S/o Sh. Gur Parshad,
R/o D-170, Rishi Nagar,
Shakur Basti, Delhi-110054.
23. Chand Singh Bijiya,
S/o late Sh. Deep Chand,
R/o WZ-105C, Hari Singh Park,
New Multan Nagar, Delhi-110056.
24. Mrs. Bernadetta Basla,
S/o Late Sh. Joseph Barla,
R/o A-132/UG-4, Dilshad Colony,
Delhi-110095.
25. Mrs. Rachel Toppo,
S/o Sh. Devendra Toppo,
R/o 283-C, J&K Pocket Dilshad Garden,
Delhi-110095.
26. Ramesh Chandra Yadav,
S/o B.P. Yadav,
R/o 4-D, Delhi Admin Officers Flats,
New Mahavir Nagar, New Delhi-110008.

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Applicants

(through Sh. M.K. Bhardwaj)

Versus

Govt. of NCT of Delhi & Ors. through

1. The Chief Secretary,
Govt. of NCT of Delhi,
Delhi Secretariat,

I.P. Estate, New Delhi.

2. The Director,
Directorate of Education,
Govt. of NCT of Delhi,
Old Secretariat, Delhi.

3. The Secretary,
DOP&T
Ministry of Personnel, Public Grievances
& Pensions, North Block,
New Delhi.

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Respondents

(through Sh.N.K. Singh for Ms. Avnish Ahlawat)

ORDER (ORAL)

Hon'ble Mr. Shekhar Agarwal, Member (A)

This OA has been filed seeking the following reliefs:

"(i) That the Hon'ble Tribunal may graciously be pleased to set aside the order dated 22.03.2012 and direct the respondents to grant Grade Pay of Rs. 8700 (PB-4) as 1st financial upgradation under MACP Scheme dated 19.05.2009 with all consequential benefits including arrears of pay.

(ii) To declare the action of the respondents in not granting 1st financial upgradation to the applicants under MACP Scheme dated 19.05.2009 in the next higher Grade Pay of Rs. 8700 (PB-4) as illegal and arbitrary.

(iii) To declare the conditions, if any, in OM (MACPS) dated 19.05.2009 which stipulates denial of 1st / 2nd / 3rd financial upgradation in the next Grade Pay of the hierarchy of Grade Pay, as illegal, arbitrary and unconstitutional or read down the same to the extent the same goes contrary to the object of main OM.

(iv) To direct the respondents to grant Grade Pay of Rs. 8700/- in PB-4 as first financial upgradation under MACP Scheme with arrears of pay and interest.

(v) To allow the OA with costs.

(vi) Any other relief which the Hon'ble Tribunal deem fit and proper may also be granted to the applicants."

2. Learned counsel for the applicant argued that in a similar case filed by similarly situated persons, this Tribunal has allowed the OA No. 2639/2012 vide its

order dated 27.02.2015. He stated that this case was squarely covered by the aforesaid judgment. He, however, mentioned that in the aforesaid case, arrears have not been allowed from due date to the applicants therein, whereas applicants herein deserve to be allowed arrears as well as per the provisions of MACP Scheme. It has been further stated that the order of this Tribunal has been upheld by Hon'ble High Court of Delhi in Writ Petition No. 9266/ 2015 vide order dated 09.05.2016. Sh. N.K. Singh present for the respondents has not disputed that this case is covered by the aforesaid judgment of this Tribunal as upheld by Hon'ble High Court of Delhi.

3. In view of the above, we allow this OA and direct the respondents to extend to the applicants herein, the same benefits as were allowed to applicants of OA No. 2639/2012. The benefits will be granted to the applicants within a period of eight weeks from the date of receipt of certified copy of this order.

4. As far as arrears are concerned, we notice that similar prayer was made in OA No. 2639/2012 as well but the same was not granted by the Tribunal and Hon'ble High Court has also upheld the judgment. Since the applicants are relying on the judgment in OA No. 2639/2012, they can only get relief that was allowed in that OA.

(Raj Vir Sharma)
Member (J)

(Shekhar Agarwal)
Member (A)

/ns/