

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

O.A No.715/2018

M.A No.765/2018

New Delhi, this the 12th day of February, 2018

Hon'ble Mrs. Jasmine Ahmed, Member (J)

Hon'ble Ms. Praveen Mahajan, Member (A)

1. Sudesh Kumar, Aged about 59 years,
S/o. Late Sh. Narendra Dev Sharma,
R/o. A-22, Type-III, New Police Lines,
Kingsway Camp, Delhi – 110 009.
2. Shyam Sunder, Aged about 56 years,
S/o. Late Sh. Baru Singh,
R/o. H. No.-1/7267, East Gorakh Park,
Shahdara, Delhi – 110 032.
3. Ram Niwas, Aged about 59 years,
S/o. Late Sh. Chandan Ram,
R/o. Village & P.O-Hadwa Distt.-Jind (Haryana)
4. Rajesh Giri, Aged about 52 years,
S/o. Late Sh. Ratan Lal Goswami,
R/o. H. No.- 125/37, Gali No. 3,
Shankar Nagar Extn., Delhi – 110 051.
5. Yogesh Kumar, Aged about 57 years,
S/o. Late Sh. Ramphal Singh,
R/o. H. No. F-285, IIIrd Floor, Gali No. 7,
Pandav Nagar, Delhi – 110 091.
6. Pawan Kumar, Aged about 57 years,
S/o. Late Sh. Tara Chand Sharma,
R/o. H. No. 309, V& PO Pehlad Pur (Banger),
Delhi – 110 042.
7. Shailendra Kumar, Aged about 58 years,
S/o. Late Sh. Trilock Chand,
R/o. D-2/1, Police Colony,
Andrews Ganj, New Delhi.
8. Raj Kapoor Verma, Aged about 56 years,
S/o. Sh. Raja Ram Verma,
R/o. H. No. 3737, 3rd Floor, Gali Maman,
Pahari Dhiraj, Sadar Bazar, Delhi – 110 006.
9. Devender Kumar Sharma, Aged about 58 years,
S/o. Sh. Khan Chand Sharma,

R/o. C-20, Delhi Police Society, Sector Pi-1,
Greater Noida, U.P.

10. Harbansh Singh, Aged about 59 years,
S/o. Late Sh. Joginder Singh,
R/o. E-1657, Netaji Nagar,
New Delhi – 23.
 11. Mahender Kaur, Aged about 57 years,
W/o. Sh. Sardar Manjeet Singh,
R/o. C-4/191, Daya Nand Colony,
Lajpat Nagar-IV, New Delhi – 110 024.
 12. Shiv Kumar Sharma, Aged about 55 years,
S/o. Sh. Shri Niwas Sharma,
R/o. Flat No. G-15, Police Station Chanakya Puri,
New Delhi – 110 021.
 13. Rajender Kumar, Aged about 55 years,
S/o. Late Sh. Madan Lal,
R/o. H. No. WZ-25/A, Gali No. 8, Krishna Puri,
Tilak Nagar, New Delhi – 110 018.
 14. Rajbir, Aged about 58 years,
S/o. Sh. Kanwar Singh,
R/o. H. No. 34, Sector-9, R. K. Puram,
New Delhi.
-Applicants

(By Advocate : Mr. Ajesh Luthra with Mr. Jatin Parashar)

Versus

1. Commissioner of Police,
PHQ, MSO Building,
IP Estate, New Delhi.
 2. Deputy Commissioner of Police (Estt.)
PHQ, MSO Building,
IP Estate, New Delhi.
 3. Union of India,
Through its Secretary,
Ministry of Home Affairs,
North Block, New Delhi.
- ...Respondents

O R D E R (O R A L)

Hon'ble Mrs. Jasmine Ahmed, Member (J) :

M.A No. 765/2018 :

The M.A filed for joining together is allowed.

O.A 715/2018 :

The applicants in this O.A were appointed as Head Constables (Ministerial). They were promoted as Assistant Sub-Inspectors within five to six years of their appointment.

2. The issue involved in this OA is for grant of third MACP benefits to the employees under the MACP scheme on completion of either 10 years of service from the second MACP/promotion or 30 years of overall service as has been granted to their counterparts. In the similar circumstances, when identical impugned action was questioned in OA No.1288/2014 in ***Manju Vashistha & Ors. Vs. UOI & Ors.,*** this Tribunal allowed the said OA and the Writ Petition filed by the respondents in WP(C) No.11826/2016 in ***Union of India & Ors. Vs. Manju Vashistha & Ors.*** was dismissed by the Hon'ble High Court of Delhi on 03.02.2017. The respondents preferred SLP against the said decision on 07.09.2017. Though the applicants are seeking to extend the benefit of the OA No.1288/2014 in ***Manju Vashistha & Ors.Vs. UOI & Ors.,*** as upheld by the Hon'ble High Court by quashing the impugned Annexure-A/1 order dated 13.06.2017, wherein third MACP granted to them was withdrawn. However, the respondents submits that since the SLP is pending before the Hon'ble Apex

Court, the benefit of the said OA cannot be granted at this stage.

3. Once it is established that the applicants are identically placed like the applicants in ***Manju Vashistha & Ors. Vs. Union of India & Ors.*** in OA No.1288/2014, they are also entitled for the same benefits granted to them. In the circumstances, the OA is disposed of in terms of the judgment of this Tribunal in OA No.1288/2014, in ***Manju Vashistha & Ors. Vs. Union of India & Ors.***, as upheld by the Hon'ble High Court in WP(C) No.11826/2016, however, the same shall be subject to the result of the SLP filed and pending before the Hon'ble Apex Court. No costs.

(Praveen Mahajan)
Member (A)

(Jasmine Ahmed)
Member (J)

/Mbt/