

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

**O.A No.424/2014 with
MA No.385/2014**

**Reserved On:04.10.2017
Pronounced on:15.11.2017**

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)

1. Om Pal Singh Malik,
S/o Late Sh. Mahabir Singh,
R/o E-51, Gali No. 4, Ashok Nagar,
Delhi-93
2. Yashpal Singh,
S/o Sh. Lotan Singh,
R/o 425/5E, Daya Nand Gali,
East Babar Pur, Shahdara, Delhi
3. R.K.S. Panwar,
S/o Late Sh. Muni Ram,
R/o C-7/210 Staff Qtr.,
SDA, Hauz Khas, New Delhi
4. Udaibir Singh,
S/o Sh. Dhara Singh,
R/o H. No. 18, Ganga Enclave,
Loni Border, Distt. Ghaziabad
5. Islamudin,
S/o Late Alimuddin,
R/o B-42, Gali No. 1, Ganga Vihar,
Near Gokul Pur, Delhi-94
6. Albel Singh,
S/o Late Sh. Mushi Ram,
R/o H. No. 9, New Vikas Nagar,
Near Rly Station, Loni, Ghaziabad, U.P.
7. Om Pal Singh,
S/o Sh. Attar Singh,
R/o 4/53, Sector-2,
Rajinder Nagar, Near Sahibabad,
Ghaziabad, U.P.
8. Mahesh Chand,
S/o Late Sh. Khem Chand,

R/o H. No. 548, Gali No.4,
Chander Lok Colony, Shahdara

9. Jagdish Prasad,
S/o Late Sh. Ved Prakash,
R/o Vill & PO Tatiri,
Aggarwal Mandi,
Distt. Baghpat, U.P.
10. Ombir Singh Rathi,
S/o Sh. Mahender Singh,
R/o B-101, Gali No. 6,
Meet Nagar,
Shahdara, Delhi
11. Lakhpat Singh,
S/o Late Sh. Badan Singh,
R/o 882 Braham Puri,
Meerut, U.P.
12. Prahlad Singh,
S/o Late Sh. Aman Singh,
R/o H. No. 40, Ganga Vihar,
Distt. Ghaziabad, U.P.
13. Prahlad Singh,
S/o Late Sh. Prabhu Narayan Singh,
R/o Plot No. 200-A, Sector-I,
Vaishali, Ghaziabad, U.P.
14. Ashok Kumar,
S/o Late Sh. Ram Kishan,
R/o H. No. B-283, Sector-19,
Dwarka, New Delhi
15. Surender Pal Singh,
S/o Sh. Mange Singh,
R/o H. No. 425/6E, Gali No. 6,
Yad Ram Mandir Wali Gali,
East Babar Pur,
Shahdara, Delhi
16. Surender Pal Singh Rana,
S/o Sh. Babu Ram,
R/o 27, S-I, A-Block, DDA Staff Qtr.,
Dilshad Garden, Delhi

17. Rakesh Kumar,
S/o Late Sh. Raghubir Singh,
R/o H. No. 1449/14, Gali No. 10,
Durga Puri, Delhi-93
18. Ram Avtar Sharma,
S/o Late Sh. Vishnu Dutt,
R/o 91-C, Mansarovar Park,
Delhi-32
19. Umesh Kumar,
S/o Late Sh. Bishan Chand Aggarwal,
R/o A-140, 1st Floor,
Parshavanath Paradise, Mohan Nagar,
Ghaziabad, U.P.
20. Smt. Usha Sharma,
W/o Sh. J.K. Sharma,
R/o KP-78, Pitam Pura,
Delhi
21. Rajeev Gupta,
S/o Late Sh. J.P. Gupta,
R/o AG-387, Shalimar Bagh,
Delhi-88
22. B.P.S. Yadav,
S/o Late Sh. Ram Chander,
R/o 9042 LIG Flats,
B-9, Vasant Kunj Staff Qtr.,
New Delhi-70
23. Vijay Singh,
S/o Late Sh. Lal Singh,
R/o D-120, Gali No. 8A,
Dashrath Puri, New Delhi-45
24. Bijender Singh,
S/o Sh. Sohan Lal,
R/o New Colony Meerut Road,
Jain Mandir Wali Gali,
Baghpat, U.P.
25. Umesh Kumar,

S/o Late Sh. H.P. Tyagi,
R/o III-F/39, Nehru Nagar,
Ghaziabad, U.P.

26. Daya Nand,
S/o Late Sh. Kanchan Singh,
R/o S-24, Kanchan Kunj,
Pandav Nagar, Delhi
27. Sharan Singh,
S/o Late Sh. Pheru Singh,
R/o E-13/370, East Gokul Pur,
Delhi-94
28. Virender Singh Maan,
S/o Sh. Pirthi Singh,
R/o D-1/151, Nehru Vihar,
Karawal Nagar Road, Delhi
29. Veena Chanana,
W/o Bhushan Kr. Chanana,
R/o II-C/139 Lajpat Nagar,
New Delhi
30. Ajay Kumar Mohindroo,
S/o Late Sh. O.P. Mohindroo,
R/o B-5/38, 3rd Floor,
Safdarjung Enclave, New Delhi
31. Smt. Raj Kumar Takral,
W/o Sh. D.S. Takral,
R/o H. No. C-62, DDA Staff Qtr.,
Rajender Nagar, New Delhi
32. Smt. Hemwati Saini,
W/o Sh. Satyapl Saini,
R/o 36 Masjid Moth,
New Delhi-49
33. Sh. Suresh Pal,
S/o Sh. Mahipal Singh,
R/o H. No. 9/137, Sector-3,
Rajinder Nagar, Sahibabad,
Distt. Ghaziabad, U.P.
34. Ranjeet Bahadur Singh,
S/o Late Sh. Harsh Nath Singh,

R/o M-91, Shaurabh Vihar,
Jaitpur, Badar Pur, Delhi

35. Smt. Mamta Kumra,
W/o Sh. Anand Kumra,
R/o B-273, Anand Vihar,
Delhi-92
36. Omveer Singh,
S/o Sh. Girwar Singh
R/o H. No. 39, Ganga Vihar,
Loni Border, Ghaziabad, U.P.
37. Raj Kumar
S/o Sh. Chhotan Singh,
R/o 53/4, Ganesh Nagar Extn.,
Shakar Pur, Delhi-92
38. Dinesh Chander Sharma,
S/o Late Sh. Goverdhan Lal Sharma,
R/o Gali Durga Chand,
Chowk Bazar, Mathura, U.P.
39. Rajeev Sharma,
S/o Late Sh. V.N. Sharma
R/o H. No. 427, Gali No. 8,
Durga Puri, Extn., Delhi
40. Smt. Sudesh Khurana,
W/o Sh. Sunil Khurana,
R/o 761, Gali No. 15,
Shahid Bhagat Singh Colony,
Near Kali Mandir,
Karawal Nagar, Delhi
41. Rakesh Kumar Grover,
S/o Late Sh. C.L. Grover,
R/o 129-B, Pkt-A,
Mayur Vihar, Phase-II, Delhi-91
42. Shri Krishan,
S/o Late Sh. Ram Kishan,
R/o Wz-651A/H-20,
Naraina, New Delhi

43. Ravinder Pal Singh Tomar,
S/o Late Sh. Har Naryan Singh,
R/o C-22, LIG Flat, GTB Enclave,
Nand Nagri, New Delhi-93
44. Smt. Lakshmi Bartwal,
W/o Sh. Rabinder Singh,
R/o 49-B, Hauz Khas,
New Delhi
45. Umesh Prakash,
S/o Balbir Singh,
R/o 217-C, Pocket-A,
Mayur Vihar Phase-II,
Delhi.
46. Girish Kumar,
S/o Late Sh. Rajinder Prashad,
R/o H. No. 484, Krishna Nagar (Bagu),
Ghaziabad, U.P.
47. Kamal Arora,
W/o Sh. Jawahar Arora,
R/o X-1167, Raj Garh Colony,
Gali No. 2, Delhi-110031.
48. Sh. Azad Singh Nagar,
S/o Late Sh. Bhuley Nagar,
R/o C-201, Taj Appartment,
Gazipur, Delhi.
49. Sh.Veer Sain Singh,
S/o Late Sh. Kundan Singh,
R/o I-12, Jawahar Nagar,
Ghaziabad, U.P.
50. Suresh Pal,
S/o Sh. Bijay Singh,
R/o A-43 Chattar Pur Extn.,
Behind Nandu Farm,
New Delhi-74
51. Jai Pal Singh Yadav,
S/o Late Sh. Prabhu Dayal,
R/o Staff Qtr No. 3417, Sector-A,

Pkt-B, Vasant Kunj,
New Delhi-70

52. Ashok Kumar Yadav,
S/o Late Sh. Balbir Singh,
R/o H. No. 114, Vill & PO-Surhera,
New Delhi-43
53. Saib Ram,
S/o Late Sh. Tak Ram,
R/o H. No. 1052, Bazar Mohalla,
Village Tuglakabad, N.D.-44
54. Rama Goswami,
W/o Sh. Parveen Goswami,
R/o 1/27, Nehru Nagar,
New Delhi-65
55. Surender Pal Singh,
S/o Sh. Chhotey Lal,
R/o A-76/1 North Chhajjupur,
Gali No.2, Shahdara, Delhi
56. Raj Kumar,
S/o Sh. Brahma Dass,
R/o 2105 Janta Flats, GTB Enclave,
Delhi
57. Ramesh Chand Chanchal,
S/o Sh. Nathu Singh,
R/o Wz H-1/B, Naraina Village,
New Delhi-28
58. Laxman Singh,
S/o Sh. Hari Singh,
R/o B-36, Gali No.2, Meet Nagar,
Delhi-94
59. Rameshwar Dayal,
S/o Late Sh. Amar Singh,
R/o B-6/10, Sadat Pur Extn.,
Karawal Nagar, Delhi-94
60. Smt. Madhu Bansal,
W/o Sh. Omkar Bansal,
R/o CA-187, Netaji Gali,
Bhajan Pura, Delhi-53

61. Smt. Chander Kanta,
W/o Sh. Rajesh Kumar,
R/o H. No. 2338-D, Raja Park,
Shakur Basti, Delhi-34
62. Smt. Meena Nagpal,
W/o Sh. Harish Nagpal,
R/o 12/2 Laxman Park,
Chander Nagar, Delhi
63. Smt. Manju Sharma,
W/o Sh. B.K. Sharma,
R/o A-3/35, Rachna Vaishali,
Ghaziabad, U.P.
64. Sh. Ramesh Chand Mittal,
S/o Late Sh. P.P. Mittal,
R/o B-591, MIG DDA Flats,
East of Loni Road, Delhi
65. Sh. Sunil Kumar Sharma,
S/o Late Sh. K.B. Mishra,
R/o 15, Gyan Lok,
Hapur, U.P.
66. Ravinder Kumar Jain,
S/o Late Sh. P.P. Jain,
R/o F-30, Pkt.-3,
Mayur Vihar, Phase-I,
Delhi-91
67. Rajesh Kumar,
S/o Late Sh. Duli Chand,
R/o D-122, Sanjay Nagar,
Sector-23, Ghaziabad, U.P.
68. Sh. Suresh Kumar Sharma,
S/o Late Sh. Jagdish Lal Sharma,
R/o 121-C, Pkt.-A,
Dilshad Garden, Delhi-95
69. Sh. Rakesh Chand Gupta,
S/o I.C. Gupta,
R/o H. No. 1/1849, Mansarovar Park,
Shahdara, Delhi-32

70. Sh. Jai Chand,
S/o Late Sh. Ratan Singh,
R/o Village & PO, Baid Pura,
Distt. Gautam Budh Nagar, U.P.
71. Sh. Harish Chand,
S/o Late Sh. Umed Singh,
R/o Village-Nizampur, PO-Sikandrabad,
Distt. Buland Shahar, U.P.
72. Sh. Bijender Singh,
S/o Late Sh. Rohtash Singh,
R/o M-184, Sanjay Nagar, Sector-23,
Ghaziabad, U.P.
73. Pramod Kumar Gupta,
S/o Late Sh. Laman Swaroop Gupta,
R/o 1449/202, Block-A, Gali No. 5,
Durga Puri, Shahdara, Delhi-93
74. Vipin Sood,
S/o Late Sh. Sat Pal Sood,
R/o H. No. 27, Tagore Gali,
West Babar Pur, Shahdara,
Delhi-32
75. Mohar Pal,
S/o Late Sh. Rayat,
R/o E-74, Gali No. 3, Ashok Nagar,
Delhi-93
76. Sh. Veer Sain,
S/o Sh. Jiley Singh,
R/o H. No. 545, Gali No. 8,
Uttranchal Colony, Loni Border,
Ghaziabad, U.P.
77. Pitam Singh,
S/o Sh. Dinna Singh,
R/o Village-Mavi Kalan,
PO-Khekra, Distt. Baghpat, U.P.
78. Sh. Pratyush Das.
S/o Sh. A.T. Das,
R/o B-63/A-2, Shalimar Garden Extn.II, Shaibabad, Ghaziabad,
U.P.

79. Shailesh Kumar Rai,
S/o Sh. Chandra Kash Rai,
R/o A-169A, Nand Gram,
Ghaziabad, U.P.
80. Ubedullah Khan,
S/o Afzal Khan,
R/o H. No. 3, Matka Peer, Purana Quila,
Mathura Road, New Delhi-1
81. Smt. Laxmi Aggarwal,
W/o Sh. R.K. Aggarwal,
R/o KD-8A, Ashok Vihar, Phase-I,
New Delhi
82. Smt. Daya Wati,
W/o Sh. Anil Kumar,
R/o E-275, Back side, IInd Floor,
Vipin Garden, Uttam Nagar,
New Delhi
83. Smt. Shakuntala Juneja,
W/o Sh. B.C. Juneja,
R/o H. No. 76, Sector-8, Faridabad,
Haryana
84. Amarjit Singh,
S/o Late Sardar Pritam Singh,
R/o 1881, Sector-4, Gurgaon
85. Smt. Inder Jeet Nanda,
W/o Sh. M.S. Nanda,
R/o 506/10, Krishna Colony,
Gurgaon (Haryana)
86. Sh. Dal Chand S/o Sh. Ram Charan,
R/o B-73, East Gokul Harijan Basti,
Delhi-94.
87. Deepa Verma,
W/o Sh. R.K. Verma,
R/o Y-103, Sector-12, Noida
88. Sh. Rajendra Singh,
S/o Late Sh. Bhagwan Sahai,
R/o 1/64, Sector-2, Rajender Nagar,
Sahibabad, Ghaziabad, U.P.

89. Sh. Rajender Singh,
S/o Sh. Bhagwan Singh,
R/o Village Show Raj Pur, PO-Kheri,
Distt. Gautam Budh Nagar, U.P.
90. Smt. Rita Ratra,
W/o Sh. S.M. Ratra,
R/o 217, IInd Floor, Dhaka Road,
Near Mukharjee Nagar, Delhi
91. Sh. Ved Singh Nagar
S/o Sh. Thandi Ram,
R/o H.No.95, Village Khichripur,
P.O.Patparganj,
Delhi-91
92. Sh. Sant Ram Shandilya,
S/o Late Sh. Laxman Das,
R/o 746, Chirag Delhi, Delhi
93. Balbir Singh Rana,
S/o Late Sh. Raghunath Singh,
R/o Vill & PO-Bijwasan, New Delhi
94. Sh. Balkishan Bhardwaj,
S/o Late Sh. Chhotu Ram,
R/o Vill & PO-Mubarakpur Dabas,
Delhi
95. Ravita Khurana,
W/o Sh. B.S. Khurana,
R/o C-54, Manglam Appartment,
Sector-21D, Faridabad, Haryana
96. Sh. Pooran Singh,
S/o Sh. Banjara Singh,
R/o C-8. Sangam park, Khora colony,
Ghaziabad, U.P.
97. Sh. Surender Kumar,
S/o Late Sh. Gyan Chand,
R/o 95 Sarai Kalen Khan,
New Delhi
98. Sh. Chhatar Pal
S/o Late Sh. Mannu Lal,

R/o 14/892, Mandoli Extn.,
Shahdara, Delhi

99. Sh. Sheoraj Sharma,
S/o Late Sh. Manohar Lal Sharma,
R/o B-8/500 Pariyatan Vihar,
Vasundhra Enclave, Delhi-96
100. Sh. Sher Singh,
S/o Sh. Bhadri Singh,
R/o Village-Kanwi, PO- Pilkhuwa,
Distt. Hapur, U.P.
101. Sh. Vinod Kumar Behl,
S/o Late Sh. Dhannu Ram,
R/o 35/2A, Double Story,
Ashok Nagar, Near Tilak Nagar,
New Delhi-18
102. Sh. Navratan Singh Dinkar,
S/o Late Sh. Ram Singh,
R/o H. No. 396 Kanhiya Pura,
Garh Raod, Hapur, U.P.
103. Manju Gautam,
W/o Y.K. Gautam,
R/o C-204 Balaji Apptt. Plot No. 37,
Sector-6, Dwarka, New Delhi
104. Neelam Kapoor,
W/o A.K. Kapoor,
R/o J-3/1, S-8 Ashoka Apptt,
West Jyoti Nagar, Delhi
105. Sh. Meharban Singh Parihar,
S/o Late Sh. Rattan Singh Parihar,
R/o Flat No. 123, DDA Staff Qtr.,
Jai Dev Park, Punjabi Bagh,
New Delhi
106. Rajendra Prasad Sharma,
S/o Jai Lal Sharma,
R/o G-1/36-37, Budh Vihar, Phase-I,
New Delhi
107. Rambir Singh Malik,
S/o Sh. Jot Ram,

R/o H. No. 38, Village Masod Pur,
Delhi

108. Sh. Babu Singh
S/o Sh. Ram Saran,
R/o H. No. 4649/186-A, Gali No. 8,
New Modern Shahdra, Mandoli Road,
Delhi-32
109. Jeet Ram,
S/o Late Sh. Shankar Dutt,
R/o O-36/C-1, Dilshad Garden, Delhi
110. R.K. Yadav,
S/o Sh. Yad Ram Singh,
R/o P-32/C-2, Dilshad Garden,
Delhi
111. Sh. Virender Singh S/o Sh. Surat Singh,
R/o A-228, Vikas Kunj,
Loni, Ghaziabad, U.P.
112. Sh. Rishi Pal Sharma S/o Sh. B.M.Sharma,
R/o B-32, Pariyvaran Complex,
IGNOU Road,
Saket, New Delhi-30.
113. Smt. Rajesh Rani Chugh
W/o late Sh. Naveen
Kumar, R/o Sector-A/3428,
Pkt.-B, Vasant Kunj,
New Delhi-110070.
114. Smt. Suman Bala Blaggan
W/o Sh. Naresh Kumar.
R/o 4789, Sec. 23-A,
Gurgaon, Haryana.
115. Smt. Manju Aggarwal
W/o Sh. S.K. Aggarwal,
R/o C-18/Y-4, Dilshad Garden,
Delhi-95.
116. Smt. Anita Gupta
W/o Sh. Jitender Kr. Gupta,
R/o 5, Jeevan Bima Apptt. Near Karkardooma
Court, East Arjun Nagar,

Delhi-32.

117. Sh.Brijesh Kr. Sharma
S/o Sh.B.C. Sharma,
R/o H.No.27, Haddu Mohalla,
Madanpur Khadar, New Delhi-76.
118. Sh. Arvind Dutt Dixit
S/o late Sh.N.S. Sharma,
R/o Mohalla Hari Shah, M.No.49,
Sikandrabad,
Bullandshahr, U.P.
119. Sh.Inder Pal Singh Malik
S/o late Sh. A.S. Malik,
R/o 5/10, Palm Road, Shipra Suncity,
Indrapuram, Ghaziabad, U.P.
120. Sh. Kaushal Kumar Singh
S/o late Sh. B.D. Singh,
R/o RZ-T42, West Sagarpur,
New Delhi-46.
121. Smt. Sushila Dhyani
W/o Sh. Suresh Dhyani,
R/o X-2957, Raghubarpura No.2,
Gali No.4, Gandhi Nagar,
Delhi-31.
122. Sh. Raj Singh Yadav
S/o late Sh. Nihal Singh,
R/o WZ-245, V.&P.O. Madipur,
New Delhi-110063
123. Sh. Harender Kumar Sharma
S/o Sh.R.C.Sharma,
R/o 67, Fatha Khani Mohalla,
Bilaspur, G.B., Nagar, U.P.
124. Mukesh Kumar,
S/o Sh. Lok Man Dass Aggarwal,
R/o H. No. 15/904, Vasundhara,
Ghaziabad, UP.

125. Jaipal Singh,
S/o Late Sh. Pattar Singh,
R/o H. No. 404, Sec-1,
Vaishali, Ghaziabad (UP)

126. Satyapal Singh,
S/o Sh. Suraj Mal,
R/o Village Mavi Kalan,
PO Katha, Distt. Bagpat, UP.

.....Applicants

(By Advocate: Shri M.K. Bhardwaj)

Versus

DDA & Ors through :

1. The Vice Chairman,
Delhi Development Authority,
Vikas Sadan, INA, New Delhi
2. The Finance Member,
Delhi Development Authority,
Vikas Sadan, INA, New Delhi
3. The Principal Commissioner (Pers.),
Delhi Development Authority,
Vikas Sadan, INA, New Delhi
4. The Commissioner (Pers.),
Delhi Development Authority,
Vikas Sadan, INA, New Delhi
5. The Director (Pers-II),
Delhi Development Authority,
Vikas Sadan, INA,
New Delhi.

Respondents

(By Advocate: Ms. Sriparna Chatterjee)

ORDER

By Mr. V. Ajay Kumar, Member (J)

The applicants, who are the LDCs in the respondent-Delhi Development Authority (DDA) filed the OA seeking to reckon the

period during which they worked on contract basis prior to their regular appointment as LDCs for determining the eligibility for grant of up-gradation under Assured Career Progression Scheme (ACP Scheme) dated 09.08.1999.

2. The brief facts, as narrated in the OA, are that the applicants were initially appointed as LDCs/Surveyors after subjecting themselves to the requisite selection process including typing test etc., but on contract basis, during the years 1980-81 and thereafter they were made regular and appointed as LDCs during December 1984 to January 1985. When the request of the applicants to consider their contractual period prior to their regular appointment was also to be reckoned for the purpose of granting the financial up-gradations under the ACP Scheme was rejected by the respondents, vide the impugned Annexure A-1 Office Order dated 14.10.2013, though the said contractual period was considered for the purpose of granting of pensionary benefits, the applicants filed the present OA.

3. Heard Shri M.K. Bhardwaj, learned counsel for the applicants and Ms. Sriparna Chatterjee, learned counsel for the respondents and perused the pleadings.

4. M.A. No. 385/2014 filed for single application is allowed.

5. The learned counsel appearing for the applicants submits that non considering the contractual period of the applicants which was followed by regular appointment for the purpose of granting of

financial benefits under the ACP Scheme is illegal, arbitrary and against the decisions of this Tribunal. The learned counsel placing reliance on a judgment of a Coordinate Bench of this Tribunal in OA No.88/2003 dated 04.09.2013 in **K.A. Issac Vs. U.O.I. & Others** submits that the present applicants are identically placed like the applicant in the said OA and hence they are also entitled for extension of the benefit of the said judgment.

6. On the other hand, Ms. Sriparna Chatterjee, the learned counsel for the respondents submits that the respondents have considered the contractual period of the applicants for the purpose of granting pensionary benefits and rightly rejected the same for the purpose of granting of ACP benefit in terms of the conditions of the ACP Scheme. It is submitted that the ACP benefits can be granted by considering the regular service of an employee and that the service, if any, as casual/ad hoc/contract/temporary cannot be considered for the said purpose. It is further submitted that the applicant in **K.A. Issac** (supra) worked on daily rates and his service period on daily rates was considered for granting of fixation of seniority and for all consequential benefits under different circumstances, hence the said decision has no application to the applicants case.

7. In short, the applicants are seeking to count the period of their contractual service prior to the date of their regular appointment as LDCs for the purpose of consideration of their cases for granting the

ACP/MACP benefits. It cannot be disputed that the benefits of a particular scheme are governed exclusively by the terms and conditions of the said Scheme itself. Hence, it is relevant to examine relevant paragraphs of the ACP Scheme introduced vide OM No.35034/1/97-Estt(D) dated 09.08.1999, which read as under:-

“3.1.While in respect of these categories also promotion shall continue to be duly earned, it is proposed to adopt the ACP Scheme in a modified form to mitigate hardship in cases of acute stagnation either in a cadre or in an isolated post. Keeping in view all relevant factors, it has, therefore, been decided to grant **two financial upgradations** [as recommended by the Fifth Central Pay Commission and also in accordance with the Agreed Settlement dated September 11, 1997 (in relation to Group ‘C’ and ‘D’ employees) entered into with the Staff Side of the National Council (JCM)] under the ACP Scheme to Group ‘B’, ‘C’ and ‘D’ employees on completion of **12 years** and **24 years** (subject to condition no.4 in Annexure-I) of regular service respectively. Isolated posts in Group ‘A’, ‘B’, ‘C’ and ‘D’ categories which have no promotional avenues shall also qualify for similar benefits on the pattern indicated above. Certain categories of employees such as casual employees (including those with temporary status), ad-hoc and contract employees shall not qualify for benefits under the aforesaid Scheme. Grant of financial upgradations under the ACP Scheme shall, however, be subject to the conditions mentioned in Annexure-I.

3.2. ‘Regular Service’ for the purpose of ACP Scheme shall be interpreted to mean the eligibility service counted for regular promotion in terms of relevant Recruitment/Service Rules”.

It is also relevant to note certain paragraphs of the MACP Scheme issued vide OM dated 19.09.2009, which was issued in supersession of the ACP Scheme. Paragraphs 9 and 12 in Annexure-I to the aforesaid OM read as under:-

“9. ‘Regular service’ for the purposes of the MACPS shall commence from the date of joining of a post in direct entry grade on a regular basis either on direct recruitment basis or on absorption/re-employment basis. Service rendered on adhoc/contract basis before regular appointment on pre-appointment training shall not be taken into reckoning. However, past continuous regular service in another

Government Department in a post carrying same grade pay prior to regular appointment in a new Department, without a break, shall also be counted towards qualifying regular service for the purposes of MACPS only (and not for the regular promotions). However, benefits under the MACPS in such cases shall not be considered till the satisfactory completion of the probation period in the new post.

XXX XXX XXX

12. The MACPS shall also be applicable to work charged employees, if their service conditions are comparable with the staff of regular establishment”.

8. The Union of India in reply to the respondent-DDA’s query, furnished the frequently asked questions on MACP Scheme and the relevant question reads as under:-

8.	Whether adhoc appointment would be counted towards qualifying service for MACPs.	No. Only continuous regular service for the purpose of MACPs. The regular service shall commence from the date of joining of a post in direct entry grade on a regular basis.(Para 9 of the MACPS)
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9. A perusal of all the above clearly indicate that the Scheme itself envisage that the benefits thereunder shall be granted to the employees on consideration of their regular service and that any casual/contractual/temporary/adhoc service shall not be reckoned for the purpose of counting the required periods under the ACP/MACP Schemes.

10. In **K.A. Issac** (supra), the issue of counting the period during which the applicant therein worked on daily rates before he was regularly appointed as LDC for the purpose of ACP/MACP Schemes was neither under consideration nor any specific finding to that effect was given by this Tribunal. However, while allowing the OA and while directing the respondents therein to reckon the service rendered by the applicant therein as LDC on daily rates for the purposes of fixation of seniority, it was ordered that the same is with all consequential benefits. Hence, it cannot be said that this Tribunal had taken a view that either the daily rated service or the contractual service of an employee can be counted for the purpose of granting financial upgradations under ACP/MACP benefits. Hence, the said decision is of no help to the applicants case.

11. Insofar as the contention of the applicants that the work charged employees were given the benefit of counting their service for the purpose of ACP/MACP, the same was provided in the Scheme itself and hence on that basis the contractual service of the applicants prior to their regular service cannot be directed to be counted for the purpose of ACP/MACP benefits. The applicants failed to show any other valid reason or rule which entitles them to count their contractual service for the purpose of granting the ACP/MACP benefits.

12. In the circumstances and for the aforesaid reasons, the OA is dismissed being devoid of any merit. No costs.

(NITA CHOWDHURY)
MEMBER (A)

(V. AJAY KUMAR)
MEMBER (J)

Rakesh