

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 1212/2013

Reserved on : 22.02.2017

Pronounced on : 27.02.2017

HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MR. P.K. BASU, MEMBER (A)

Desh Raj,
Group 'B',
Age 61 years,
S/o Late Shri Ram Chand,
R/o 7/60, 2nd Floor,
Moti Nagar, New Delhi.

.. Applicant

(By Advocate : Shri Ashish Nischal)

Versus

National Council of Educational
Research and Training,
Through its Director,
Sri Aurobindo Marg,
New Delhi-110016.

.. Respondent

(By Advocate : Shri R.K. Singh with Ms. Deepa Rai)

ORDER

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

The applicant has presented the dates, grades and promotions that he received in para 4.14 as under:

S.No.	Name of the post	Date	Grade Pay (Rs.)	Remarks
1.	Stenographer Grade-III	29.05.80	2400	Fresh appointment
2.	Personal Assistant	April, 87	4200	Promotion
3.	Assistant	August, 87	4200	LDCE
4.	Jr. Accountant	August, 94	4200	LDCE
5.	Sr. Accountant	May, 98	4200	Promotion
6.	Accounts Officer	June, 03	4600	-do-
7.	Sr. Accounts Officer	Sept. 11	6600	-do-

2. The learned counsel for the applicant argues that all the promotions he has received from Personal Assistant to Senior Accountant should be counted as one in terms of para 5 of MACP guidelines, which is as under:

“5. Promotions earned/upgradations granted under the ACP Scheme in the past to those grades which now carry the same grade pay due to merger of pay scales/upgradations of posts recommended by the Sixth Pay Commission shall be ignored for the purpose of granting upgradations under Modified ACPS.”

3. Secondly, learned counsel states that he should be eligible for 2nd financial upgradation after completion of 18 years (8 + 10 years) of service, i.e. in 2008 and then 3rd financial upgradation after completion of 30 years in 2010, in terms of illustration 28-A(i) of the MACP guidelines, which is as follows:

“28.A(i) If a Government servant (LDC) in PB-1 in the Grade Pay of Rs.1900 gets his first regular promotion (UDC) in the PB-1 in the Grade Pay of Rs.2400 on completion of 8 years of service and then continues in the same Grade Pay for further 10 years without any promotion then he would be eligible for 2nd financial upgradation under the MACPS in the PB-1 in the Grade Pay of Rs.2800 after completion of 18 years (8+10 years).”

4. In his prayer clause, however, he has prayed for the following:

- “(i) quash and set aside the Impugned Order dated 04.09.2012;
- (ii) subsequently, direct the respondent to grant 3rd Modified Assured Career Progression to the applicant in Pay Band-2 with Grade Pay of Rs.4800 w.e.f. 01.09.2008 with arrears and 9% pendenlite and future interest;
- (iii) pass any other Order(s) which this Hon’ble Tribunal deems fit.”

5. The impugned order dated 04.09.2012 is a communication to the applicant that his representation for grant of MACP w.e.f. 01.09.2008 instead of 29.05.2010 has been examined and rejected.

6. Heard the learned counsel for both sides and perused the relevant rules.

7. The first clause in MACP guidelines is as follows:

“1. There shall be three financial upgradations under the MACPS, counted from the direct entry grade on completion of 10, 20 and 30 years service respectively. Financial upgradation under the Scheme will be admissible whenever a person has spent 10 years continuously in the same grade-pay.

and Clause 28-C of MACP guidelines reads as follows:

“If a Government servant has been granted either two regular promotions or 2nd financial upgradation under the ACP Scheme of August, 1999 after completion of 24 years of regular service then only 3rd financial upgradation would be admissible to him under the MACPS on completion of 30 years of service provided that he has not earned third promotion in the hierarchy.”

8. From a reading of these two guidelines itself, it becomes clear that the three upgradations under MACP are due counting from the **direct entry grade** on completion of 10, 20 and 30 years of service, respectively. Under the Scheme, financial upgradation will be admissible, when a person has spent 10 years continuously in the same grade. Moreover, 28-C makes it clear that if a Govt. servant

has been granted two regular promotions, then only 3rd financial upgradation would be admissible to him on completion of 30 years.

9. Learned counsel for the applicant has rightly interpreted para 5 and, therefore, we have to ignore the promotions he got as Assistant, Junior Accountant and Senior Accountant. Even then, he has earned two promotions, one as Personal Assistant and the other in June, 2003 as Accounts Officer. Therefore, as per the MACP Scheme, as explained above, he would be due for 3rd MACP only when either he completes 30 years of service from direct entry grade or 10 years in the previous grade. He completes 30 years on 29.05.2010 and 10 years as Accounts Officer in June, 2013. Therefore, he is only eligible for 3rd financial upgradation on 29.05.2010, which has been rightly granted by the respondents. The applicant has superannuated on 30.11.2011.

10. The O.A., therefore, lacks merit and accordingly the same is dismissed. No order as to costs.

(P.K. BASU)
Member (A)

(V. AJAY KUMAR)
Member (J)

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