

# **CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH**

OA 978/2014

New Delhi this the 6th day of October, 2015

**Hon'ble Mr. Justice Syed Rafat Alam, Chairman  
Hon'ble Mr. P.K. Basu, Member (A)**

Chander Prakash  
Asstt. Director (Survey) Retd.  
R/o 273, Sant Sundar Dass Ji  
CGHS, Plot No.21, Sector-12, Dwarka  
New Delhi-110078 ... Applicant

(Appeared in person)

Vice Chairman  
Delhi Development Authority,  
Vikas Sadan, INA  
New Delhi

## ORDER

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

The applicant was initially appointed as Surveyor Grade II in the Archaeological Survey of India (ASI) with effect from 14.09.1977 in the pay scale 330-560. He was thereafter appointed to the post of Surveyor Grade I in the pay scale 425-700 with effect from 19.03.1982 against direct recruitment quota. The applicant joined Delhi Development Authority (DDA) on 31.08.1982 as Surveyor Grade I through direct selection in the same pay scale of Rs.425-700. The applicant opted for voluntary retirement and retired voluntarily with effect from

1.09.2010. He was granted first upgradation under the Assured Career Progression (ACP) on 9.08.1999. He completed 12 years of service required for first upgradation under ACP in 1994. However since ACP Scheme was introduced from 1999, he became eligible for first financial upgradation under ACP only on 9.08.1999. He completed 24 years of service required for second financial upgradation under ACP in 2006 and was granted second upgradation with effect from 19.03.2006. He would have been eligible for consideration for third upgradation under the new Modified Assured Career Progression Scheme (MACPS) after completing 30 years of service i.e. in the year 2012. However he retired voluntarily with effect from 1.09.2010 and, therefore, there was no question of granting him third financial upgradation under MACPS.

2. The grievance of the applicant is that the respondents have granted him first and second financial upgradations under ACP counting his service from 1982 when he joined as Surveyor Grade I in the pay scale of Rs.425-700/- whereas, according to him, since he had joined service on 14.09.1977, he becomes eligible for first upgradation under ACP on 9.08.1999, for second upgradation on 14.09.2001 (24 years from 14.09.1977) and for third upgradation under MACPS on 14.09.2007 (30 years from 14.09.1977).

3. It is argued that the definition of "regular service" as per para 9 of MACP guidelines includes past continuous service in another government department.

4. The respondents in their reply referred to para 9 of MACP guidelines, which reads as follows:

“9.....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).

Moreover, it is stated that as per annexure to OM dated 10.02.2010 of DoP&T, the clarification vide point no.5 is as under:

“However, if the appointment is made to higher pay scale either as on direct recruitment or on absorption (transfer) basis or first on deputation basis and later on absorbed (on transfer basis) such appointment shall be treated as direct recruitment and past service/ promotion shall not count for benefits under ACPS.”

5. It is, therefore, stated that in view of above clarification, since the applicant was directly appointed as Surveyor Grade I on 19.03.1982, the service rendered between 1977 and 1982 cannot be counted as Surveyor Grade I and Surveyor Grade II were not in the same grade pay and the former carried a higher pay scale.

6. We have heard the applicant in person and Shri Karunesh Tandon, learned counsel for the respondents.

7. It would be clear from para 9 of MACP guidelines and clarification vide point no.5 that past continuous service in the same pay scale or Grade Pay prior to appointment in a new

department shall be counted towards qualifying regular service for the purpose of MACP only. In this case, the facts would clearly show that the post of Surveyor Grade I was in a higher pay scale and, therefore, the period between 1977 and 1982 cannot be counted towards regular service for the purpose of MACP.

8. Thus we find no merit in this OA and it is, therefore, dismissed. No costs.

( P.K. Basu )  
Member (A)

( Syed Rafat Alam )  
Chairman

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