

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 2299/2013

New Delhi this the 4th day of November, 2015

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

Naresh Arora
A1B/85, Janakpuri
New Delhi-58

... Applicant

(Through Shri Padma Kumar S., Advocate)

Versus

1. Union of India through
The Secretary
Ministry of Home Affairs,
North Block, New Delhi-1

2. The Director General
Sashastra Seema Bal
East Block V, R.K. Puram
New Delhi-110066

3. Secretary,
DoP&T, North Block,
New Delhi-1

... Respondents

(Through Shri R.K. Jain, Advocate)

ORDER

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

The applicant joined Government of India Press as Key Board Operator (KBO) on 19.06.1989 in the pay scale of Rs.1400-2300. He joined Sashastra Seema Bal on deputation in June 1992 as KBO in the same pay scale of Rs.1400-2300 and was absorbed as such in the year 1995. His pay scale was

revised to Rs.4500-7000 from 1.01.1996 after pay revision consequent to implementation of recommendations of 5th Central Pay Commission.

2. According to the applicant, the post of KBO, now known as Desk Top Printing Operators (DTPO), was included in the Ministry of Urban Development (MoUD) as Master Craftsman and its pay scale was revised from Rs.4500-7000 to Rs.5000-8000 vide OM dated 20.11.2009 of the Directorate of Printing, MoUD. The pay scale of Rs.5000-8000 was further revised to the scale of Rs.9300-34800 with Grade Pay of Rs.4200/- on implementation of recommendations of Sixth Pay Commission.

3. Consequent to the above policy changes in the government as far as KBO/DTPO are concerned, the financial upgradations under MACP also underwent a change. Earlier the first MACP after 10 years was to be Rs.4200/- and 2nd MACP after 20 years was to be Rs.4600/-. However due to the categorization of the KBO/DTPO as Master Craftsman with the Grade Pay of Rs.4200/-, their first MACP after 10 years is Rs.4600/- and 2nd MACP after 20 years is Rs.4800/-.

4. The applicant made a representation, which was rejected by the respondents vide memorandum dated 29.09.2011, 3.03.2012 and 14.12.2012. In support of his case, the applicant relies on para 5 of MACP guidelines (Annexure – I), which read as follows:

“5. Promotions earned/ upgradations granted under the ACP Scheme in the past to these 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.

The pre-revised hierarchy (in ascending order) in a particular organization was as under:

Rs.5000-8000, Rs.5500-9000 & Rs.6500-10500

- (a) A Government servant who was recruited in the hierarchy in the pre-revised pay scale Rs.5000-8000 and who did not get a promotion even after 25 years of service prior to 1.01.2006, in his case as on 1.01.2006, he would have got two financial upgradations under ACP to the next grades in the hierarchy of his organization, i.e. to the pre-revised scales of Rs.5500-9000 and Rs.6500-10500.
- (b) Another Government servant recruited in the same hierarchy in the pre-revised scale of Rs.5000-8000 has also completed about 25 years of service, but he got two promotions to the next higher grades of Rs.5500-9000 & Rs.6500-10500 during this period.

In the case of both (a) and (b) above, the promotions/ financial upgradations granted under ACP to the pre-revised scales of Rs.5500-9000 and Rs.6500-10500 prior to 1.01.2006 will be ignored on account of merger of the pre-revised scales of Rs.5000-8000, Rs.5500-9000 and Rs.6500-10500 recommended by the Sixth CPC. As per CCS (RP) Rules, both of them will be granted grade pay of Rs.4200 in the pay band PB-2. After the implementation of MACPS, two financial upgradations will be granted both in the case of (a) and (b) above to the next higher grade pays of Rs.4600 and Rs.4800 in the pay band PB-2."

5. It is argued that since the pay scale of Rs.5000-8000 was merged with the pay scales of 5500-9000 and 6500-10500 and the same pay scale of Rs.9300-34800 was awarded against these three pay scales with Grade Pay of Rs.4200/-, as per para 5 of MACP guidelines quoted above, this merger of pay scales should be ignored and the applicant should be granted the Grade

Pay of Rs.4800/- under second MACP. This is the background in which the present OA has been filed seeking the following reliefs:

- (a) Hon'ble Tribunal may be pleased to quash and set aside the impugned orders dated 29.09.2011, 3.03.2012 and 14.12.2012 (Annexure A-1 colly).
- (b) Hon'ble Tribunal may be pleased to declare the action of the respondents illegal and also declare that the applicant is entitled to get the Grade Pay of Rs.4800/- as 2nd MACP financial upgradation with all consequential benefits including arrears of pay with interest therein.
- (c) Any other relief which the Hon'ble Tribunal may deem appropriate.

6. The respondents clarified that the first financial upgradation received by the applicant was from the pay scale of Rs.4500-7000 to Rs.5000-8000 on completion of 12 years of continuous service in the year 2001. On completion of 20 years of continuous regular service, the applicant became due for second financial upgradation but now under the MACP. The MACP guidelines provide for placement in the immediate next higher grade in the hierarchy and thus the applicant was granted second MACP in the Grade Pay of Rs.4600/-. It has been argued that para 5 of MACP guidelines is not at all applicable to upgradation of pay scale from Rs.4500-7000 to Rs.5000-8000.

This clause is applicable if both the pay scales are merged and Rs.5000-8000 was not merged with Rs.4500-7000 but with Rs.5500-9000/6500-10500.

7. We have heard the learned counsel for the parties and gone through the pleadings available on record.

8. Clearly, the applicant has wrongly interpreted the ACP and MACP guidelines. The first financial upgradation was under the ACP from Rs.4500-7000. There is no provision in the MACP guidelines to ignore this upgradation. Para 5 of the MACP guidelines provides for ignoring promotions earned/upgradations granted under ACP Scheme in those grades which carry same Grade Pay due to merger of pay scales. Rs.4500-7000 and Rs.5000-8000 do not have the same Grade Pay now. They were merged into grades which do not carry the same Grade Pay. Rs.4500-7000 has the replacement pay grade / grade pay of Rs.5200-20200 (PB-1) + Grade Pay Rs.2800/- and Rs.5000-8000 has the replacement pay grade/ grade pay of Rs.9300-34800 + Grade Pay Rs.4200/-.

9. There is no case made out for grant of Grade Pay of Rs.4800/- to the applicant. The OA deserves to be dismissed being devoid of merits. It is, therefore, dismissed. No costs.

(P.K. Basu)
Member (A)

(Syed Rafat Alam)
Chairman

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