

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

O.A. No. 2734/2014

New Delhi, this the 20th day of November, 2015

**HON'BLE MR. P.K. BASU, MEMBER (A)
HON'BLE MR. RAJ VIR SHARMA, MEMBER (J)**

Subhash Chand Gupta,
Aged 50 years,
S/o Shri Khazanchi Dass,
Working as Naib Tehsildar in DDA,
R/o Block-I, Pkt.-I, Flat No.33,
Sec. 16, Rohini, Delhi-89.

.. Applicant

(By Advocate : Shri Yogesh Sharma)

Versus

1. Delhi Development Authority,
Through the Commissioner (P),
Vikas Sadan,
New Delhi.

2. The Deputy Director (P-IV),
Delhi Development Authority,
Vikas Sadan,
New Delhi.

.. Respondents

(By Advocate : Ms. Sriparna Chatterjee)

ORDER (ORAL)

By Hon'ble Mr. P.K. Basu

The simple issue here is whether the period spent by the applicant in work charged establishment is to be included to work-out the period for the purpose of granting financial upgradation

under ACP/MACP Scheme. The applicant was appointed as Mate in the pay scale of Rs.210-290 w.e.f. 06.01.1983, which was revised to Rs.950-1400 w.e.f. 06.01.1990. Later, he was appointed as Patwari in the same pay scale of Rs.950-1400 on 08.07.1996, further promoted to the post of Kanoongoo w.e.f. 01.10.2010 and was further promoted to the post of Naib Tehsildar w.e.f. 20.06.2014 and presently working in the same post in Delhi Development Authority (DDA). In this regard, the applicant also refers to order dated 15.10.2009 (Annexure A/3) of the respondents, the relevant portion of which reads as follows:

“3. Now, the Authority has reconsidered the matter in its meeting held on 10.9.2009 vide agenda Item No.53 dated 10.9.2009 and decided that the continuous service from the date of initial appointment in the work-charged cadre be counted for the purpose of reckoning the 12/24 years of service for grant of ACP benefits to the work charged staff subject to the conditions of ACP guidelines as prescribed and conveyed by the DoPT OM No.35034/1/97-Estt.(D) dated 09.08.99. The said orders are applicable only for grant of ACP benefits.”

2. Learned counsel for the respondents fairly stated that the respondents have now issued an order dated 05.06.2015 meeting the demand of the applicant as would be clear from Para 3 of the aforesaid order, which is reproduced below:

“3. Since the scale of pay of Mates has been revised to Rs.260-400 w.e.f. 01.01.1973 (corresponding to Rs.950-1500, 3050-4590/- & 5200-20400/- + GP 1800/- under 4th, 5th & 6th CPC Report respectively) and the scale of pay of LDC and some other posts is identical, the Anomaly Committee recommended that the staff who had earlier worked as Mates or in any other identical post on work charged establishment is entitled for counting of service rendered on work charged establishment for the purpose of upgradation under ACPS and/or MACPS as per

the guidelines of Govt. of India, Ministry of Personnel, Public Grievances and Pension (Department of Personnel and Training) O.M. No. 35034/1/97/Estt.(D)(Vol.IV) dated 10.02.2000.”

and, therefore, the case of the applicant would now be governed according to this order.

3. The learned counsel for the applicant also placed before us order of the Tribunal dated 11.09.2015 in O.A. No.2512/2012 on the similar issue whether the period of service rendered in work charged establishment would be included for grant of benefit of ACP or not and after examining the issue in detail and all the relevant instructions/clarifications of the DoPT, the O.A. was allowed with a direction to give the work charged period as qualifying service for the purpose of granting upgradation under the MACP Scheme.

4. In view of the clarification by the respondents in their order dated 05.06.2015 and the order of the Tribunal in O.A. No.2512/2012, the present O.A. is allowed and the respondents are directed to grant the financial upgradation to the applicant counting his work charged period as period admissible for ACP/MACP Scheme and considering only the promotion from Patwari to Kanoongoo as one promotion, i.e. for first financial upgradation w.e.f. 09.08.1999 (12 years/w.e.f. the date of introduction of ACP Scheme) in the promotional hierarchal pay scale under ACP Scheme and 2nd financial upgradation w.e.f.

06.01.2003 (20 years) and 3rd financial upgradation w.e.f.
06.01.2013 (30 years) only in the next hierarchy of pay scale under
MACP Scheme (not in hierarchy of promotional post). No costs.

(Raj Vir Sharma)
Member (J)

(P.K. Basu)
Member (A)

/Jyoti/