

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA 1781/2013

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)**

N.K. Rohatgi
Aged 62 years
S/o Late Shri Satya Narain
R/o 160-D, Mansarovar Park
DDA Flats, Delhi-110032 ... Applicant

(Appeared in person)

Versus

1. Chief Secretary Govt. of NCT of Delhi
Delhi Secretariat, II Level,
I.P. Estate, New Delhi-110002
2. Principal Secretary (Finance)
Govt. of NCT of Delhi
Delhi Sachivalaya, 4th Level,
I.P. Estate, New Delhi-110002
3. Deputy Secretary Finance (Accounts)
Delhi Sachivalaya
Govt. of NCT of Delhi,
New Delhi-110002
4. Chief Engineer
Zone B-2,
Public Works Department, II Floor
Police Headquarters Building,
I.P. Estate, New Delhi-110002

(Through Ms. Alka Sharma with Shri Amar Pandey, Advocate)

ORDER

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

The applicant was appointed on 10.01.1972 as Lower Division Clerk (LDC) on regular basis. He was promoted as Upper Division Clerk (UDC) with effect from 23.09.1985. He was then promoted as Junior Accounts Officer (JAO) initially on ad-hoc basis with effect from 28.01.2004 and subsequently on regular basis as Assistant Accounts Officer (AAO) with effect from 31.12.2009 (as the posts of JAO and AAO were merged on recommendations of the 6th Pay Commission). The applicant retired from Government service on superannuation on 31.03.2011 in the Pay Band Rs.9300-34800 plus Grade Pay Rs.4800/-.

2. The claim of the applicant is that since he has completed 30 years of service in 2002 and Modified Assured Career Progression Scheme (MACPS) was made effective from 1.09.2008, he be granted the following reliefs:-

- i) To order for grant of 3rd MACP to the applicant allowing grade pay of Rs.5400/- w.e.f. 1.09.2008 by the respondent No.1, 2 & 3.
- ii) To order respondent No.4 for payment of arrears of pay w.e.f. 1.9.2008 to 31.3.2011.
- iii) To pay the revised pensionary benefits viz. leave encashment, gratuity, commutation.
- iv) To revise the pension of the applicant on the basis of enhanced pay.

3. In para 5 of the reply, the respondents admit that the applicant has completed 10 years of regular service on

9.01.1982, 20 years of service on 9.01.1992 and 30 years of service regular service on 9.01.2002 and that during this period, the applicant earned only one regular promotion as UDC with effect from 23.09.1985 and thus became eligible for second and third financial upgradations under MACPS with effect from 1.09.2008. However, the respondents go on to state that since on 1.09.2008, the applicant was still not on regular basis in the accounts cadre but was officiating in the post of JAO/AAO, his case for financial upgradation under the said Scheme will be considered by his original Cadre Controlling Authority i.e. the Government of National Capital Territory of Delhi (GNCTD) for necessary action.

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

5. As per instructions in MACPS, the applicant is clearly eligible for second and third financial upgradations. Since he has already earned one promotion from LDC to UDC and another from UDC to AAO, he has rightly claimed third upgradation from 1.09.2008 in the grade pay of Rs.5400/-.

6. The reply of the respondents is completely unsatisfactory as all they have to say is that the applicant is eligible but financial upgradation is to be considered by his Cadre Controlling Authority for the post of UDC. The applicant is not concerned with which Department has to issue the order. The Scheme is notified by the Government and under that Scheme the applicant is eligible.

7. In view of above discussion, we allow the OA directing the respondents as follows:-

- (i) Grant third MACP to the applicant allowing Grade Pay of Rs.5400/- and payment of arrears from 1.09.2008 to 31.03.2011; and
- (ii) Revise the pension of the applicant based on enhanced pay and make payment of revised pensionary benefits viz. leave encashment, gratuity and commutation.

The above exercise should be undertaken within a period of two months from the receipt of a copy of this order. No costs.

(P.K. Basu)
Member (A)

(Syed Rafat Alam)
Chairman

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