

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

OA 1842/2013

Order reserved on: 12.02.2016
Order pronounced on: 24.02.2016

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. P.K. Basu, Member (A)

Manjit Singh
(Foreman Instructor (Electronics))
S/o Shri Onkar Singh
R/o I-204, 2nd Floor, Karam Pura,
New Delhi-15
Presently posted at:
Kasturba Polytechnic for Women
Pitam Pura, Delhi-110088

... Applicant

(Through Shri Sourabh Ahuja, Advocate)

Versus

1. Govt. of NCT of Delhi,
Through its Chief Secretary
Delhi Secretariat, Players Building
I.P. Estate, New Delhi-110002
2. Principal Secretary/ Secretary
(Technical Education),
Department of Training & Technical Education
Govt. of NCT of Delhi,
Muni Maya Ram Marg, Pitam Pura,
Delhi-88

... Respondents

(Through Mrs. Alka Sharma, Advocate)

ORDER

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

The applicant was appointed as Lab Technician (Electronics) on 14.05.1990 in the office of the respondents. The post of Lab Technician was initially in the pay scale of

Rs.1400-2600 (4th Pay Commission), which was replaced by the pay scale of Rs.5000-8000 (5th Pay Commission). He was kept on probation for two years and confirmed on the said post on 14.05.1992. At that point of time, the post of Lab Technician was not mentioned as feeder post to the promotional post of Foreman Instructor in the Recruitment Rules (RRs) of 2.05.1991. Vide notification dated 13.01.2004, the post of Lab Technician (Electronics) was incorporated in the feeder line to the promotional post of Foreman Instructor (pay scale Rs.8000-13500). Prior to this, the promotional post for Lab Technician was Maintenance Engineer (pay scale Rs.6500-10500). The applicant was promoted to the post of Foreman Instructor on 9.05.2008.

2. The applicant was granted the benefit of first financial upgradation under the Assured Career Progression Scheme (ACPS) with effect from 14.05.2002 in the pay scale of Rs.6500-10500 i.e. after completion of 12 years service. This was because under the ACPS, upgradation was in the scale attached to the promotional post in the hierarchy. The respondents considered the next promotional post as Maintenance Engineer and hence upgradation was to the scale of Rs.6500-10500 and it is here where the controversy lies.

3. According to the applicant, since the post of Lab Technician was incorporated in the feeder line of promotion to the post of Foreman Instructor with effect from 13.01.2004, from that date his pay scale should have been Rs.8000-13500 under first ACP

till he got his regular promotion on 9.05.2008. This is so because from 13.01.2004, the next post in the promotional hierarchy for Lab Technician was Foreman Instructor in the pay scale of Rs.8000-13500.

4. The learned counsel for the applicant further argued that since the applicant basically got one upgradation/ promotion from Lab Technician to Foreman Instructor, he is entitled also to first and second financial upgradations under Modified Assured Career Progression Scheme (MACPS) with effect from 14.05.2000 and 14.05.2010 respectively along with all consequential benefits on the ground that he completes 10 years on 14.05.2000 and 20 years of service on 14.05.2010.

5. Learned counsel for the respondents states that the first upgradation granted to the applicant under the ACPS with effect from 14.05.2002 in the pay scale of Rs.6500-10500 (pre revised) was correct as the post of Lab Technician was the feeder channel for promotion to the post of Maintenance Engineer before addition of the post of Lab Technician in the feeder channel for promotion to the post of Foreman Instructor in 2004. It is further argued that the applicant has now been granted second upgradation by promotion to the post of Foreman Instructor with effect from 9.05.2008.

6. In short, the respondents case is that since the applicant has received first upgradation under ACP and second upgradation as a result of the regular promotion, he is not entitled to any other upgradation and only on completion of 30

years of service on 14.05.2020, can he be considered for third upgradation under MACPS.

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

8. The ACP guidelines do provide that upgradation under ACP will be in the pay scale attached to the next promotional post in the hierarchy. Therefore, before the Lab Technicians were brought in as feeder cadre for the post of Foreman Instructor, the first upgradation granted by the respondents in the scale of Maintenance Engineer was valid but once on 13.01.2004, the post of Lab Technician was brought in as feeder cadre for Foreman Instructor, the applicant became entitled for the pay scale of Rs.8000-13500, being the scale of the post in the next promotional post in the hierarchy. Therefore, this prayer of the applicant is allowed and the respondents are directed to refix the salary, Grade Pay and allowances of the applicant with effect from 13.01.2004 in the pay scale of Rs.8000-13500.

9. Regarding the applicant's claim of first and second upgradation under MACPS with effect from 14.05.2000 and 14.05.2010, we are of the opinion that since effectively (after upgradation to the pay scale of Rs.8000-13500 with effect from 13.01.2004), the applicant has received only one upgradation/promotion, he is entitled to the second upgradation under MACPS with effect from 14.05.2000 as per rules in the next hierarchy of Grade Pay and not on the hierarchy of the promotional post. The respondents are directed to grant him

second upgradation accordingly and re-fix his pay. As regards third upgradation, the applicant will be entitled to that only after completion of 30 years of service i.e. in 2020.

10. As regards arrears, the applicant will be entitled to the same from the date of filing of the present OA i.e. 27.05.2013 only. These directions shall be implemented within a period of two months from the receipt of a certified copy of this order. There will be no order as to costs.

(P.K. Basu)
Member (A)

(V. Ajay Kumar)
Member (J)

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