

# Central Administrative Tribunal Principal Bench, New Delhi

O.A.No.1944/2015  
M.A.No.4287/2015

Friday, this the 2<sup>nd</sup> December 2016

**Hon'ble Mr. Raj Vir Sharma, Member (J)**  
**Hon'ble Mr. K.N. Shrivastava, Member (A)**

1. Nand Prasad, aged 61 years  
s/o Mr. Jung Bhadur  
retired from the post of Record Supplier from  
Ordance Factory, Muradnagar  
r/o Gali No.3, Shanker Vihar Colony, Muradnagar  
Distt. Ghaziabad (UP)
2. Mahesh Kumar, aged 65 years  
s/o Mr. Salek Chand  
retired from the post of Record Supplier from  
Ordance Factory, Muradnagar  
r/o H.No.409, Gali No.3, Jalalpur Road  
Muradnagar, Distt. Ghaziabad (UP)

..Applicants

(Mr. Yogesh Sharma, Advocate)

Versus

1. Union of India through the Secretary  
Ministry of Defence, Govt. of India  
South Block, New Delhi
2. The Chairman  
Ordinance Factory Defence  
10A, Shahid Khudi Ram Boss Road  
Calcutta
3. The General Manager  
Ordinance Factory, Muradnagar  
Distt. Ghaziabad (UP)

..Respondents

(Mr. Sunil Ahuja, Advocate)

## **O R D E R (ORAL)**

**Mr. K.N. Shrivastava:**

M.A. No.4287/2015

M.A. seeking joining together in a single petition is allowed.

O.A. No.1944/2015

The applicants joined the respondent-organization, i.e., Ordanance Factory Muradnagar as a Messenger Boy. Applicant No.1 joined on 18.08.1970 whereas

applicant No.2 on 25.05.1967. They earned promotion to the posts of Orderly/Daftry and later to the post of Record Supplier. As per the recommendations of the 6<sup>th</sup> Central Pay Commission (CPC), all these posts got merged and rechristened as Multi Tasking Staff (MTS) in Pay Band 1 + Grade Pay `1800/-. The Modified Assured Career Progression (MACP) Scheme, as recommended by the 6<sup>th</sup> CPC, was implemented by the Central Government w.e.f. 01.09.2008. Prior to MACP, Assured Career Progression (ACP) Scheme was *in vogue*, according to which, an official was entitled for first financial upgradation after putting in 12 years of regular service and the second one after 24 years of service.

2. The respondents in their reply have admitted that these applicants are eligible for first financial upgradation under ACP Scheme in the Grade Pay of `2000/- and second financial upgradation also under ACP Scheme in the Grade Pay of `4200/-, both w.e.f. 01.01.2006, and the third financial upgradation under the MACP Scheme in the Grade Pay of `4600/- on completion of 30 years of service.

3. Learned counsel for applicants has brought to our notice Annexure A-4 order of the respondents dated 11.06.2013, which we have perused. From the said order, it is evident that the three financial upgradations, as mentioned in the reply of the respondents, were in fact granted to as many as 110 identically placed officials.

4. As the respondents did not implement their own Annexure A-4 order dated 11.06.2013, some of the concerned officials therein approached this Tribunal in various O.As. The Tribunal in **Smt. Madhu Malti Tyagi & another v. Union of India & others** (O.A. No.634/2013) decided on 22.10.2013, directed the implementation of Annexure A-4 order in respect of the two applicants therein, who were in the list of officials indicated in the said order. Likewise, the Tribunal

in **Kanchhid Singh & others v. Union of India & others** (O.A. No.130/2014) decided on 27.02.2014 granted the similar reliefs to 7 applicants therein, who too were included in the list at Annexure A-4. The learned counsel for the present applicants today presented a copy of the order of the Tribunal in **Ram Gopal Verma & others v. Union of India & others** (O.A. No.3465/2014) dated 25.04.2016 whereby similar relief has been granted to as many as 8 applicants, who are again in the list of Annexure A-4 order.

5. We have heard the learned counsel for the parties and perused the material placed on record.

6. The main contention of learned counsel for applicants is that both the applicants in the instant O.A. are identically placed as those in O.A. No.634/2013, O.A. No.130/2014 and O.A. No.3465/2014 (*supra*), and as such they are entitled for getting the benefits of Annexure A-4 order. In fact, the Tribunal in three *ibid* O.As. has only directed the respondents to implement their own Annexure A-4 order. However, learned counsel for respondents submitted that the respondents have already granted certain financial benefits to the applicants and if there is any residual claim left, they may approach the respondents with a prayer to grant the same.

7. In the facts and conspectus of things, we direct respondents to grant ACP/MACP financial upgradations to the applicants as per the Annexure A-4 order together with all the consequential benefits. This shall be done within a period of three months from the date of receipt of a copy of this order.

8. The O.A. is accordingly allowed. No order as to costs.

**( K.N. Shrivastava )**  
**Member (A)**

**( Raj Vir Sharma )**  
**Member (J)**

**December 2, 2016**  
/sunil/