

**Central Administrative Tribunal
Principal Bench, New Delhi.**

OA-3637/2015

MA-3297/2015

MA-4094/2015

New Delhi this the 10th day of December, 2015.

Hon'ble Sh. Shekhar Agarwal, Member (A)

Hon'ble Dr. Brahm Avtar Agrawal, Member (J)

1. Kamesh Chand Sharma, AE(Civil),
Aged about 52 years,
S/o Sh. P.C. Sharma,
R/o C-16, Navkunj Apartment,
IP Extension, Delhi-92.

2. Rajneesh Syal, AE(Civil),
Aged about 53 years,
S/o Sh. Yashpal Syal,
R/o Qtr. No. 1573, Sector-5,
R.K. Puram, Delhi-22.

..... Applicants

(By Advocate : Sh. M.K. Bhardwaj)

Versus

South Delhi Municipal Corporation (SDMC) & Ors.

1. Through its Commissioner,
SDMC, Civil Centre,
Minto Road,
New Delhi.
2. Additional Commissioner (Engg.),
SDMC, Civic Centre,
Minto Road,
New Delhi.
3. Dy. Commissioner (South Zone),
SDMC, Green Park, New Delhi.
4. Dy. Controller of Accounts (South Zone),
SDMC, Green Park, New Delhi.

..... Respondents

(By Advocate : Sh. Duli Chand)

ORDER (ORAL)

Mr. Shekhar Agarwal, Member (A)

This case has been filed seeking the following relief:

“(a) to declare the action of respondents in not granting the scale of Rs. 15600-39100 with Grade Pay of Rs. 6600 in PB 3 attached to the promotional posts, as 2nd financial upgradation to the applicants under

MACP from due date with all arrears of pay, as illegal, arbitrary and unjustified and direct the respondents to grant scale of Rs. 15600-39100 with Grade Pay of Rs. 6600 in PB 3 attached to the promotional posts, as 2nd financial upgradation with all consequential benefits.

(b) to declare the action of respondents in not granting financial upgradation to the applicants under MACP Scheme in the pay scales attached to the promotional post as illegal, arbitrary and unjustified and issue same directions as issued while allowing OA No. 1586/2014 vide orders dated 08.09.2015 in case of similarly placed persons.

(c) to allow the OA with costs.

(d) pass such other direction or directions order or orders as this Hon'ble Tribunal may deem fit and proper to meet the ends of justice.

2. Respondents have filed their reply. In this, they have stated that the case of the applicants is squarely covered by the judgment of this Tribunal in OA No. 1586/2014 dated 08.09.2015. The applicants are accordingly entitled to the same relief as has been granted to the applicant of the aforesaid OA. The applicants have also filed MA-3297/2015 seeking extension of benefit of the aforesaid judgment. In view of the reply filed by the respondents, this OA is disposed of with the direction to the respondents to extend the benefit of judgment dated 08.09.2015 of OA No. 1586/2015 to the present applicants as well within a period of 60 days from the date of receipt of a certified copy of this order. No costs.

3. In view of the above, MA-4094/2015 for early disposal of this case has become infructuous and is disposed of as such.

(Dr. Brahm Avtar Agrawal)
Member (J)

(Shekhar Agarwal)
Member (A)

/ns/