

**Central Administrative Tribunal
Principal Bench**

**OA No.682/2014
MA No.4864/2018**

New Delhi, this the 28th day of November, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Om Prakash Meena,
Assistant Commissioner of Police (Retired)
House No.137, Pocket-20, Block-E,
Sector-3, Rohini,
Delhi-110085.

...Applicant

(By Advocate : Shri Malaya Chand)

Versus

1. Delhi Police Through
Its Commissioner,
MSO Building, Police Headquarter,
ITO, New Delhi-110002.

2. GNCT of Delhi,
Through its Secretary,
Delhi Sachivalaya, I.P. Estate,
Delhi-110002.

3. Union of India,
Through The Secretary,
Ministry of Home Affairs,
North Block, New Delhi.

...Respondents

(By Advocate : Ms. Harvinder Oberoi)

ORDER (ORAL)**Justice L. Narasimha Reddy, Chairman :-****MA No.4864/2018**

The OA No.682/2014 was dismissed in default on 04.10.2018, and this MA is filed to set aside the said order and to restore the OA.

2. We heard Shri Malaya Chand, learned counsel for the applicant and Ms. Harvinder Oberoi, learned counsel for respondents.

3. We are satisfied with the reasons mentioned in the MA and the same is, accordingly, ordered. The order dated 04.10.2018 is set aside and the OA is restored.

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4. The applicant joined the Delhi Police as Sub Inspector in the year 1979. Thereafter, he was promoted to the post of Inspector in the year 1992.

5. The Government introduced the Assured Career Progression (ACP) Scheme, to avoid stagnation in the

Government services. According to this, an employee would be entitled to upgradation, in case, he does not get promotion to the next higher post within 12 years and thereafter in an another spell of 12 years i.e. on completion of 12 and 24 years of service. This scheme was revised by the Modified Assured Career Progression (MACP) Scheme. The change under this scheme is that instead of two spells, the service is divided into three spells i.e. 10, 20 and 30 years, and an employee is extended the benefit of financial upgradation, in case, he does not get, either regular promotion or financial upgradation in these spells.

6. The applicant was extended the benefit of second ACP in the year 2003, by placing him in the scale applicable to the post of Assistant Commissioner of Police (ACP). He was regularly promoted to the post of Assistant Commissioner of Police on 03.07.2008. He retired from service on 31.07.2012. The third MACP was extended to him thereafter, through an order dated 28.01.2013. This OA is filed challenging the said order on the ground that he was not extended the actual financial upgradation, which he was otherwise entitled to.

7. The applicant contends that though he was promoted to the post of ACP in the year 2008, he was continued in the same scale of pay, which was extended to him in the year 2003. He contends that a higher upgradation ought to have been given to him.

8. The respondents filed counter affidavit stating that since the applicant got the benefit of promotion to the post of Inspector, he was not entitled to any benefit of 1st upgradation. It is stated that in the second spell, he was extended the benefit of financial upgradation by putting him in the scale of pay of the post of ACP. It is also stated that in the event of an employee being promoted to the next higher post, he would not be entitled to any additional benefits, in case, he is already drawing that very pay scale on account of MACP or ACP.

9. We heard Shri Malaya Chand, learned counsel for applicant and Ms. Harvinder Oberoi, learned counsel for respondents.

10. It is not in dispute that the applicant was extended the benefit of second ACP in the year 2003, by placing him in the scale of pay of Assistant Commissioner of Police. Thereafter, he was regularly promoted to that post in the year 2008. He is under the impression that on being promoted regularly to that post, he should be allowed a higher scale of pay, compared to the one, which he was drawing earlier. That was possible, only if, he was holding the post of Inspector of Police with the scale attached to that post. In case of the applicant, though he was holding the post of Inspector, he was extended the benefits of scale of pay of Assistant Commissioner of Police and the regular promotion does not warrant any upgradation. This aspect was taken into account while extending the third MACP.

11. We do not find any basis to interfere with the impugned order. The OA is accordingly, dismissed.

There shall be no orders as to costs.

(Aradhana Johri)
Member (A)

(L. Narasimha Reddy)
Chairman

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