

**OA No.3174/2012**

New Delhi, this the 16<sup>th</sup> day of October, 2018

Mr. Vimal Kumar Tyagi  
Pharmacist, S/o Sh. R.S. Tyagi  
R/o 135 Block B, Phase II  
Vikas Nagar  
Village Hastasal, Delhi-110059. ...Applicant

(By advocate: Ms. Jasvinder Kaur)

## Versus

1. Union of India through Secretary  
Ministry of Health & Family Welfare  
Nirman Bhawan, New Delhi.
2. Additional Secretary, DG, CGHS  
Ministry of Health & Family Welfare  
Nirman Bhawan, New Delhi.
3. Director Admn.(NK)  
C.G.H.S., Director General  
Health Services  
Nirman Bhawan, New Delhi. .... Respondents

(By Advocates: Sh. Hanu Bhaskar)

## ORDER (ORAL)

### **Justice L. Narasimha Reddy:-**

The applicant herein was extended the relief of ACP/MACP while in service. However, the same was revised through an order dated 31.05.2012 to his detriment. Challenging the same, he filed this OA. Two

contentions raised in this OA are that the MACP ought not to have been revised and recovery should not to have been ordered.

2. On an earlier occasion, the OA was adjourned *sine die* on account of the fact that the issues regarding the extension of the benefit of MACP, recovery of amount, on revision is under consideration before the Hon'ble Delhi High Court in Writ Petition No.8515/2014, arising out of OA No.3441/2012.

3. It is brought to our notice that the applicant is no more. In addition to that, it is stated that the Delhi High Court has since disposed of the Writ Petition through order dated 09.11.2016. The purport thereof is that the respondents were held to be entitled to revise the MACP. As regards recovery of the differential amount, it was directed that it cannot be effected unless a show cause notice is issued.

4. In that view of the matter, we dispose of the OA upholding the revision of MACP, but directing that no recovery shall be effected from the LRs of the applicant. However, the family pension or other benefits shall be fixed only on the basis of the MACP as

determined under the impugned order. There shall be no order as to costs.

**(Aradhana Johri)**  
**Member(A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

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