

**Central Administrative Tribunal
Principal Bench**

OA No. 58/2014

Order Reserved on: 18.07.2018
Order Pronounced on: 20.07.2018

**Hon'ble Mr. Justice Dinesh Gupta, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)**

Shri Aman Singh,
S/o Late Sh. Jiya Ram,
R/o H.No.1144,
Village & Post Office-Bawana,
Delhi-39

- Applicant

(By Advocate: Shri Kartar Singh)

Versus

1. The Chief Secretary,
Government of NCT of Delhi,
Delhi Government Secretariat,
IP Estate, ITO,
New Delhi

2. The Director of Education,
Government of NCT of Delhi,
General Administration,
Department Secretarial,
Education Branch,
Room No.223, Old Secretariat,
Civil Lines, Delhi

3. The Secretary,
Ministry of Personnel, Public Grievance
& Pension, Department of Personnel &
Training, Government of India,
North Block,
New Delhi

- Respondents

(By Advocate: Shri Vijay Pandita)

ORDER

By Hon'ble Ms. Nita Chowdhury, Member (A)

This Original Application has been filed by the applicant claiming the following reliefs:-

- “(i) Direct the respondents to grant PB-3, GP Rs.6600/- in place of PB-3, GP Rs.5400/- with all consequential benefits as per 6th pay commission recommendation w.e.f. 06.01.2002 to the applicant with 18% interest per annum as the other similarly situated employee/persons are getting PB-3, GP Rs.6600/- in place of PB-3, GP Rs.5400/- with all consequential benefits.
- (ii) Quash and set aside order no. No.F.DDNW/ADMN/2012-13/1116 dated 29.07.2013 issued by the respondents.
- (iii) Summon the relevant records pertaining to grant of the 3rd financial up-gradation under MACPS to Yoga Teachers and PET (Physical Education Teachers) from the office of the respondent no.2 as they are the similarly situated persons.
- (iv) Pass any other and further order which this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case to meet the ends of justice.”

2. In brief, it is the case of the applicant that he was appointed as TGT on 06.01.1982 and after completing 12 years of service, he was given senior scale @1640-2900 on 06.01.1994. However, after completing 24 years of service on 06.01.2006, the respondents did not grant him

the 2nd ACP due to lack of qualification of post graduation. It is submitted that while granting the 3rd MACP, he was given a lower Grade Pay than the Grade Pay of Rs.6600/- which he claims to be entitled for on account of completion of 30 years regular service. He drew attention to the revised instructions of DoPT for grant of MACP on completion of 30 years of service vide OM No.DE-3(4)/ACP CELL/2039/6419-6443 dated 11.11.2009.

3. In reply, the respondents have sought to clarify the position by stating that the applicant was granted 3rd MACP with the Grade Pay of Rs.5400/- in PB-3. They drew attention to Para 4.iii of the OA which states that *on 06.01.2006 applicant completed 24 years of his service but due to lack of qualification of post graduation the addressee No.1 and 2 did not grant the second ACP to the applicant...*” It is admitted by the applicant that he did not have the post graduate qualification when he started his service and he acquired this qualification later. Therefore, as per the DoPT guidelines, he was not granted the Grade Pay of Rs.6600/- which was given to those applicants under the 3rd MACP, who had been granted the 2nd ACP. The grant of Grade Pay of Rs.6600/- under MACP Scheme on completion of 30

years regular service was made to other employees as they were legally eligible for the grant of these benefits. The applicant has been given his MACP benefits as per the DoPT guidelines and there have in fact been no violation of the MACP guidelines.

4. Heard both the parties and perused the record.
5. Put simply, the applicant was granted the 3rd MACP with the Grade Pay of Rs.5400/- as he had not possessed the postgraduate qualification at the time of appointment and hence, he was not granted the benefit of 2nd ACP due to non-possessing of the post graduate qualification on 06.01.2006 when he became due for 2nd ACP. He has sought to rely on the DoPT OM No.DE-3(4)/ACPCELL/2009/6419-6443 dated 11.11.2009. Para (c) thereof reads as under:-

“(c) regarding grade pay under 3rd financial up-gradation to directly recruited TGT who have been granted second financial up-gradation under ACP Scheme in the PB-3(15600-39100) in grade pay of 5400 upto 31.08.2008, it has been clarified that in such cases, third financial up-gradation would be granted in the grade pay of Rs.6600 w.e.f. date 01.09.2008 on completion of 30 years regular service, whichever is later.”

6. We find that in the above OM, it is very clearly stated that the Grade Pay of Rs.6600/- under 3rd financial up-gradation was granted to directly recruited

TGTs, who have been granted second financial up-gradation under ACP Scheme. Quite clearly, as admitted by the applicant while filing his OA in Para 4.iii, he was not granted the benefit of 2nd ACP due to non-possessing of the post graduate qualification at that time. Hence, we do not find any merit in the claim of the applicant and the OA is dismissed. No costs.

(Nita Chowdhury)
Member (A)

(Justice Dinesh Gupta)
Member (J)

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