

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

OA-3848/2016

Reserved on : 18.07.2018.

Pronounced on : 23.07.2018.

Hon'ble Ms. Praveen Mahajan, Member (A

Sh. Ramdhan Singh,
(Superannuated) as LDC,
Aged about 63 years,
S/o Sh. Jai Pal Singh,
R/o H.No. 287, Shiv Mandir,
Wazirabad, Delhi. Applicant
(through Sh. M.S. Reen, Advocate)

Versus

1. Delhi Jal Board,
Govt. of NCT of Delhi
Through its Vice Chairman,
Varunalaya, Phase-II,
Karol Bagh, New Delhi.
2. Member (Administration)
Delhi Jal Board, Govt. of NCT of Delhi,
Varunalaya, Phase-II,
Karol Bagh, New Delhi.
3. Director (Vigilance),
Delhi Jal Board, Govt. of NCT of Delhi,
Varunalaya, Phase-II,
Karol Bagh, New Delhi.
4. Senior Account Officer (F&G),
Delhi Jal Board, Govt. of NCT of Delhi,
Varunalaya, Phase-II,
Karol Bagh, New Delhi. Respondents

(through Sh. Raj Kumar Bhartia, Advocate)

ORDER

At the outset, the learned counsel for the respondents Sh. Raj Kumar Bhartiya informed the Bench that the third financial upgradation under Modified Assured Career Progression Scheme has been granted to the applicant (Ramdhan Singh) by the respondents vide Office Order No. 157 (Min) dated 30.05.2018. A copy of the said order was also produced before the Bench, which is taken on record. The said order stipulates as under:-

“On the recommendations of the Screening Committee for grant of Financial up gradation under the ACP/MACPS to LDC in accordance with the instructions contained in OM No. 35034/1/97-Estt(D) dated 09.08.1999 and OM No. 35034/3/2008-Estt (D) dated 19.05.09 of Govt. of India Ministry of Personnel, Public Grievances & Pensions (Dept. of Personnel & Training), the Competent Authority is pleased to grant :

- 2nd financial up gradation under ACP Scheme to Sh. Ramdhan Singh S/o Sh. Jaipal Singh LDC(Retired) on completion of 24 years of regular service from the corresponding pay band of Rs. 5200-20200 with Grade pay of Rs. 1900/- (Level 2) to the next immediate higher grade pay, in the hierarchy of the next promotional post, of Rs. 2400/- (Level 4 in 7th CPC pay Matrix), w.e.f. 01.06.2006 **on notional basis and financial effect from 29.11.2010 i.e. from date of joining on re-instatement.**
- 3rd financial up gradation MACP Scheme to Sh. Ramdhan Singh S/o Sh. Jaipal Singh LDC (Retired) on completion of 30 years of regular service from the corresponding pay band of Rs. 5200-20200 with Grade pay of Rs. 2400/- (Level 4) to the next immediate higher grade pay off Rs. 2800/- (Level 5 in 7th CPC pay Matrix), w.e.f. 01.06.2012.

The up gradations are further subject to the following conditions:

1. Pay and allowance of the incumbent will be fixed under the provisions of FR-22(1) a (1) Subject to the terms and conditions contained in OM No. 35034/1/97-Estt.(D) dated 09.08.1999 & O.M. N. 350343/2008-Estt. (D) dated 19/05/2009 of DoP&T respectively.

2. The official concerned may be allowed to exercise her options if any under FR 22 within one month of issuance of the order granting the financial up gradation under Modified Assured Career Progression Scheme.
2. Before fixation of pay under MACP Scheme DDO concerned shall ensure/verify that concerned employee either has completed 10/20/30 years regular service or she has spent 10 years continuously in the same grade pay as on 22.09.2017 for grant of benefit of 1st /2nd /3rd financial up gradation under MACP without any break or unqualified service.
3. The DDO concerned also ensures/verifies that the employee recommended by DSC has been granted in situ or other financial up gradation under ACP scheme /promotion respectively.
4. The financial up gradation is merely placement in the immediate next level in the pay matrix and this does not amount to functional regular promotion or seniority benefit etc.
5. The financial up gradation is subject to verification by the Audit.
6. The DDO's will verify that the employee recommended for financial up gradation; was not under currency period of penalty, on the date from which financial benefit has been recommended to him.

This issues with the approval of Competent Authority.

The learned counsel for the respondents stated that since the relief, as prayed for by the applicant in the O.A. has already been granted to him, hence no further cause of action survives in the O.A.

2. The learned counsel for the applicant Sh. M.S. Reen, however, stated that though the order dated 30.05.2018 has been issued by the respondents but the actual financial benefits have not yet been granted to the applicant. He also drew my attention to the relief sought in the OA regarding payment of earned leave encashment due to the applicant. He informed the Bench that the respondents

have paid earned leave encashment to the tune of Rs.29,269/- as per directions of the Hon'ble High Court, however, this amount has been paid only by taking into consideration the earned leave of 200 days as against the admissible limit of 300 days, which is still due to the applicant.

3. On going through the facts of the case, I find that the respondents are in the process of completing the necessary formalities to grant the relief claimed for by the applicant in the O.A. This is visible from the Office Order No. 157 dated 30.05.2018 produced before me today. The O.A. is, therefore, allowed with directions to the respondents to complete other formalities for financial upgradation as mandated under law within a span of three months from the date of issue of a certified copy of this order.

4. As regards the discrepancy regarding earned leave encashment, the respondents may look into the same and make the balance payment, if any due, to the applicant within the above mentioned time frame, as per his admissibility in law. No costs.

**(Praveen Mahajan)
Member (A)**

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