

**Central Administrative Tribunal  
Principal Bench**

**OA No.4040/2014**

New Delhi, this the 30<sup>th</sup> day of August, 2018

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

Mrs. Vinod Dewan aged about 63 years  
W/o Shri Sushil Dewan  
R/o B-26, Pamposh Enclave Greater Kailash-I  
New Delhi-110048. ..Applicant

(By Advocate: Shri V.P.S. Tyagi)

Versus

1. The Union of India through Secretary  
Ministry of Labour & Employment  
New Delhi-110001.
2. The Central Provident Fund Commissioner  
Employees Provident Fund Organization  
(EPFO) Head Quarter Office  
Bhavishya Nidhi Bhawan  
14, Bhikaji Cama Place  
New Delhi-110066.
3. The Regional PF Commissioner-I  
(H.R.M.) 14 Bhikaji Cama Place  
New Delhi-110066. ..Respondents

(By Advocate: Shri S.K. Shandilya)

**ORDER (ORAL)**

**Justice L. Narasimha Reddy:-**

The applicant retired from the service of  
Employees Provident Fund Organization (EPFO) on

30.09.2011. On 22.04.2014, she submitted a representation with a prayer to extend the benefit of ACP/MACP. Through an order dated 07.07.2014, the respondents rejected the claim of the applicant. Hence this OA.

2. The applicant contends that she joined the respondents' organization on 10.06.1971 as a Clerk/LDC and thereafter was appointed as Hindi Translator Grade-II on 14.01.1981 and since she has completed 30 years of service, she is entitled to be extended the benefit of MACP. The record further discloses that she has been promoted to the post of Senior Hindi Translator on 07.05.2004 and thereafter on 31.12.2008 she was promoted as Assistant Director (Official Language) on ad hoc basis.

3. The respondents filed a counter affidavit. According to them, the qualifying service of the applicant is to be reckoned from 1981 and because she declined promotion to the post of Senior Hindi Translator in the year 1994, she is not entitled to claim the benefit of ACP/MACP. Other contentions urged by the applicant have also been controverted.

4. We heard Shri V.P.S. Tyagi, learned counsel for the applicant and Shri S.K. Shandilya, learned counsel for the respondents.

5. There is some uncertainty as to the point of time from which the service of the applicant is to be counted. The applicant states that she has joined the service of the respondents on 10.06.1971 as LDC. However, the service record reflects her initial appointment as Hindi Translator Grade-II w.e.f. 14.01.1981. The applicant is not able to point out as to how the change from the post of LDC to Hindi Translator Grade-II has taken place. The plea of the respondents that she was appointed afresh as Hindi Translator Grade-II deserves acceptance in the absence of any other material to the contrary.

6. The Scheme of ACP, while it was in force, provided for extension of financial benefits to the employees who have completed 12 years or 24 years of service, as the case may be, in the same scale of pay, without any promotion for want of vacancies. In such case, the Scheme provided for evaluation of the eligibility of the employee for extension of the benefit on completion of

12 or 24 years, as the case may be. By its very nature, the benefit under the Scheme is subject to the condition that the employee should be otherwise eligible for promotion but was not promoted for want of vacancy etc.

7. In the instant case, it is not in dispute that the applicant was offered promotion to the post of Senior Hindi Translator on 01.07.1994 and she declined the same. That being the case, the question of her being extended the benefit of ACP does not arise.

8. While in the case of ACP the periodicity of extension of the benefit was on completion of service of 12 years or 24 years, the periodicity under the MACP is 10 years, 20 years and 30 years. An attempt is made to convince us by arguing that whoever has completed 30 years of service, is entitled to be extended the benefit of MACP, and if the service of the applicant is to be counted from 1971, she is entitled to that benefit. We do not accept such a contention. The reason is that the mere length of service is never a factor under the ACP or MACP and is always made subject to the

employee becoming eligible to be promoted and there being no vacancy.

9. Added to that, the MACP Scheme introduced through Office Memorandum dated 19.05.2009 issued by the DoP&T makes it clear that no past case would be reopened under it. In other words, if for any reason, an employee was denied the benefit of ACP, though otherwise he is entitled to, it cannot be reopened under the MACP scheme.

10. We do not find any basis to interfere with the impugned order. The OA is accordingly disposed of. There shall be no order as to costs.

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

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

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