

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 3143/2015

Reserved on 19.07.2018
Pronounced on 24.07.2018

Hon'ble Ms. Praveen Mahajan, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)

G.S.Dhodi (Aged about 64 years)
S/o Late Shri Harbans Singh,
R/o WZ-271/C-4, Neel Kanth Appartment,
Krishna Park Extn., New Delhi
Retired as Adhoc DANICS officer. ... Applicant

(By Advocate: Applicant present in person)

VERSUS

1. Govt. of NCT of Delhi
Through Chief Secretary,
Players Building, Delhi Secretariat,
I.P.Estate, New Delhi.
2. Lt. Governor,
Raj Niwas Marg, Delhi.
3. Commissioner,
Food Supplies & Consumer Affairs
Department, K-Block,
Vikas Bhavan, New Delhi-110002.
4. Spl. Commissioner (Administration),
Food Supplies & Consumer Affairs
Department, K-Block,
Vikas Bhavan, New Delhi-110002. ... Respondents

(By Advocate: Ms. Esha Mazumdar)

ORDER

Mr.S.N.Terdal, Member (J) :

Heard the applicant who is present in person and Ms. Esha Mazumdar, counsel for the respondents, perused the pleadings, and all the documents produced by both the parties.

2. The issue involved in this case is whether the applicant is entitled to Assured Career Progression (ACP) Scheme and Modified Assured Career Progression (MACP) Scheme benefits.

3. The relevant facts of the case are that the applicant joined as Inspector (Grade-II) in the respondents-organization. Subsequently, on 31.01.1990, he was promoted as Grade-1 (DASS). Thereafter on 5.02.2000 on completion of 20 years of service, he was granted the benefit of 2nd ACP. He retired on 31.12.2010. The contention of the applicant is as per DOP&T instruction regarding the grant of MACP, he is entitled to 3rd financial upgradation as he had completed 30 years of service as on 6.12.2006. In their reply filed on 9.08.2016, the respondents in reply to para 4.9 of the OA submitted that the applicant is entitled to the above said financial upgradation. The relevant para is extracted below:-

"4.9. In reply to para 4.9 it is submitted that the Applicant has completed 30 years of service on 06/12/2006 with only one promotion to the post of Grade-1 (DASS) in the pay scale of Rs.6500-200-Rs.10500 (Revised in Pay band 2 of 9300-34800 GP 4800). Therefore, in present scenario, the applicant would be eligible for 3rd financial upgradation under MACP Scheme in Pay band 2 of 9300-34800 GP 5400 subject to fulfillment of conditions stipulated in MACP guidelines issued by DoPT, Govt. of India.

However, after grant of NFS and in terms of OM dated 12.04.10 of DoPT, Govt. he would be entitled for 3rd financial upgradation in the immediate higher grade pay of Rs.6600/- on completion of 30 years of continuous service or on completion of 10 years stagnation in a single grade pay, whichever is earlier. No further financial upgradation would be admissible to such officials."

4. However, the said ACP/MACP benefits were not extended to the applicant on the ground that in the year 2010 a departmental enquiry was initiated against him and in 2013 a penalty order was passed against him and that a Writ Petition (Civil) no.3919/2015 was pending before the Hon'ble High Court. At the time of hearing, it is stated that the Writ Petition is disposed of and that the applicant has paid whatever penalty amount that was imposed in the departmental enquiry. It is also brought to our notice that no departmental

proceeding was pending against the applicant before 2016 and he had completed 30 years of service in 2006. In the circumstances, the contention of the respondents is not sustainable. In the circumstances, as admitted by the respondents in the above extracted paragraph, the OA is allowed. The respondents are directed to give the applicant third financial upgradation in the Grade Pay of Rs.6600/- w.e.f. 6.12.2006 with all consequential benefits with interest at GPF rate from the date of entitlement and till the date of actual payment. No order as to costs.

(S.N.Terdal)
Member (A)

(Praveen Mahajan)
Member (J)

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