

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00990/2017

Chandigarh, this the day 22nd of November, 2018
(Orders reserved on: 24.10.2018)

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**CORAM:HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MS. AJANTA DAYALAN, MEMBER (A)**

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1. Main Pal Saini son of Late Sh. Atma Ram, aged 55 years, Sub Post Master, Sector 21 Post Office, Chandigarh.
2. Sunit Kumar s/o late Sh. Moti Ram, aged 57 years, Post Office, Phase 7, Sector 61, Mohali, Punjab (Group C)

....Applicants

(Present: Mr. V.K. Sharma, Advocate)

Versus

1. Union of India through the Secretary, Government of India, Ministry of Communications & Information Technology, Dak Bhawan, New Delhi.
2. Senior Superintendent of Post Offices, Chandigarh – 160017.

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Respondents

(Present: Mr. Ram Lal Gupta, Advocate)

**ORDER
SANJEEV KAUSHIK, MEMBER (J)**

1. The applicants are before this Court, for quashing the impugned order dated 01.06.2017 (Annexure A-1), whereby their request for stepping up of their pay at par with their junior has been rejected. They have sought stepping up of pay based upon the various decisions given by this Court (Annexure A-2), upheld up to the Hon'ble Supreme Court and many other judicial pronouncements on the issue.

3. After exchange of pleadings, the matter came up for hearing.

4. The facts are not in dispute.

5. A conjunctive perusal of the pleadings makes it clear that based upon a well-recognized principle that a senior will not get

less salary than his junior, the applicants raised a plea by submitting a representation to the respondents for stepping up of their pay at par with their junior namely Ms. Sunita Sharma, and also the fact that the similar benefits had already been allowed by this Court in a number of cases. Their request was, however, turned down, vide order dated 01.06.2017 (Annexure A-1) by the respondents. For invalidation of the impugned order (Annexure A-1), the applicants are before this Court.

6. The respondents while resisting the claim of the applicants, have submitted in written statement that their plea cannot allowed in terms of MACP Scheme dated 01.09.2008, which governs the field wherein it is specifically stated that no stepping up of pay in the pay band or grade pay would be admissible with regard to junior getting more pay than the senior on account of pay fixation under MACP Scheme. Therefore, they submitted that the O.A. be dismissed upholding the impugned order passed by them.

7. We have heard learned counsel for the parties.

8. Mr. V.K. Sharma, learned counsel for the applicants argued that since this Court, in a number of cases, allowed similar relief of stepping up of pay of a senior at par with his junior getting higher pay, in identical cases, therefore, this case may be allowed and the respondents be directed to fix the pay of the applicants at his with their junior Sunita Sharma, who is getting higher pay than them.

9. Mr. Ram Lal Gupta, learned counsel for the respondents argued what has been stated in the written statement.

10. We have given our thoughtful consideration to the entire matter.

11. The issue of stepping up of pay at par with junior in the present case revolves around the MACP Scheme, 2009.

12. The facts are not in dispute. Therefore, we directly advert to the issue. Applicants are seeking stepping up of pay at par with their junior namely Sunita Sharma, who was granted 2nd financial upgradation under MACP Scheme, thereby getting more pay than her seniors like the applicants. Therefore, clause 10 MACP Scheme dated 10.05.2009 (Annexure A-4) and para 20 of the Annexure A-I (attached therewith), stipulating the conditions for grant of financial upgradation under the MACP, being applicable and relevant to the controversy herein, are quoted as hereunder:-

“ Clause 10 of the MACP Scheme

No stepping up of pay in the pay band or grade pay would be admissible with regard to junior getting more pay than the senior on account of pay fixation under MACP Scheme.

Para 20 of Annexure I to MACP Scheme.

Financial upgradation under the MACPs shall be purely personal to the employee and shall have no relevance to his seniority position. As such, there shall be additional financial upgradation for the senior employees on the ground that the junior employee in the grade has got higher pay/grade under the MACPs.”

13. A conjoint reading of the aforementioned relevant extracted parts of the Scheme, makes it clear that raise in pay, consequent to financial upgradation under the MACP Scheme, is purely a personal benefit given to an individual and shall have no relation with his seniority position, and therefore, no stepping up of pay would be admissible to a senior if he/she is getting lesser pay than the junior, who got higher pay upon financial upgradation under the MACP Scheme.

14. The judgments relied upon by the applicants also would not support their claim as those have been rendered in favour of the applicants therein under ACP Scheme and not the new MACP Scheme which has come with certain conditions stipulated therein vide Annexure A-I attached therewith.

15. In view of the above discussion and the conditions laid down in the MACP Scheme, we find no merit in this case and it stands dismissed as such. No costs. MAs 060/001273/2017 and 060/01274/2017 stand disposed of accordingly.

(AJANTA DAYALAN)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 22.11.2018

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