

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

**Original Application No.020/743/2014 &
MA No. 690/2018**

Reserved on: 26.10.2018

Order pronounced on: 29.10.2018

Between:

Sri B. Prasada Rao, S/o. Adishesu,
Age 61 years, Retired as Technical Officer,
R/o. 12-2-833/201, Geethanjali Enclave,
Mehdipatnam, Hyderabad – 28.

...Applicant

And

1. Union of India,
Rep. by the Secretary to the Government of India,
Ministry of Consumer Affairs, Food & Public Distribution,
Department of Food & Public Distribution,
Krishi Bhavan, New Delhi – 110 001.
2. The Secretary,
Department of Pension, Personnel & Training,
Government of India, New Delhi.
3. The Regional Director (S&R),
Quality Control Cell,
Government of India,
Ministry of Consumer Affairs, Food & Public Distribution,
Department of Food & Public Distribution,
Rajendra Nagar, Hyderabad – 500 030.
4. The Pension & Accounts Officer,
Department of Food & Public Distribution,
Rajaji Bhavan, Chennai.

...Respondents

Counsel for the Applicant ... Mr. Krishna Devan

Counsel for the Respondents ... Mrs.K. Rajitha, Sr. CGSC

CORAM:

Hon'ble Mr. B.V. Sudhakar ... *Member (Admn.)*
Hon'ble Mr. Swarup Kumar Mishra ... *Member (Judl.)*

ORDER

{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.)}

The OA is filed for not granting financial upgradation under MACP Scheme. MA No. 690/2018 filed by the applicant to file additional document is allowed.

2. The facts of the case are that the applicant joined the respondents organisation as Technical Asst Class III on 2.9.1976 in Rs 425- 700 pay scale and was promoted as Technical Officer (S&R) on 25.5.1984 and in this cadre applicant retired on 31.8.2012. After completing 24 years of service the applicant was granted the 2nd financial upgradation in Rs 8000- 13500 on 2.9.2000 under ACP Scheme which provides for financial upgradation after putting in 12 years and 24 years of service without any promotion in the said intervals. Later with the advent of MACP the applicant was granted 3rd financial upgradation in PB-3 Rs.15,600-39,100 with Grade pay of Rs.6600, after completing 30 years of service on 1.9.2008. Modified Assured Career Assurance Scheme (MACP) provides for financial upgradation in a span of 30 years of service, at intervals of 10/20/30 years of service, if one were to stagnate at any level for 10 or more years. However, with the merger of the Technical Asst and Technical Officer posts w.e.f. from 1.1.2006 as per respondents letter dt 28.03.2012, the said promotion to the post of Technical Officer (S&R) is to be ignored as per rules of MACP and given a financial upgradation in GP of Rs.7600 w.e.f. 1.9.2008 is the claim of the applicant. This claim was rejected by the respondents and hence the present O.A.

3. The contention of the applicant is that due to merger of the Technical Asst and Technical officer post as per lr dt 28.03.2012/14.1.2013 he is entitled to the

financial upgradation sought as per para 5 of the MACP scheme. When this Tribunal was approached in OA 1337/13, the respondents were directed to dispose of a comprehensive representation of the applicant, which when made was rejected on grounds that the applicant was promoted as Technical officer in 1988 and that the merger took place on 1.1.2006, is not correct as per applicant since the rejection was done without considering para 4 & 8 of his representation dt 30.11.2013.

4. The respondents confirm that the applicant joined on 2.9.1976 as Technical Asst in the scale of Rs 5000-8000 and was promoted as Technical officer in the scale of Rs.5500-9000 w.e.f. 01.04.1988 vide order dt. 18.7.1991. Applicant was granted 2nd financial upgradation under ACP on 2.9.2000 in the scale of Rs.8000-13500 after 24 years of service. Further after completion of 30 years of service the 3rd financial upgradation in P.B -3 of Rs 15,600-39,100 with G.P of Rs.6600 was granted w.e.f 1.9.2008. The request of the applicant to grant 3rd financial upgradation by ignoring promotion of Technical officer cannot be entertained as the applicant was given the 2nd financial upgradation under ACP on 2.9.2000 itself and that the merger of posts took place in 2006. Therefore he is not eligible for 3rd financial upgradation.

5. Heard the learned counsel and perused documents on record.

6. We have gone through para 4 and para 8 of the representation of the applicant made on 30.11.2013. The main point of contention is that since the Technical Assistant and Technical Officer scales have been merged, applicant claims that as per para 5 of MACP scheme he is entitled. The cited para of MACP indicates that the promotions earned/upgradations granted under ACP scheme in the past to the those grades which now carry the same grade pay due to merger of pay scales/upgradations of posts as a part of the 6th CPC are to be

ignored. The respondents claim that such a merger took place in 2006 before the introduction of the MACP on 1.9.2008 and hence applicant is not eligible. The respondents have enclosed the DOP&T note bearing the number Dy. No 80276/CR/12 signed on 1.11.12 clarifying that the merger which took place after the introduction of the scheme are only to be reckoned and not those prior to the introduction of MACP while granting financial upgradation under MACP. The MACP Scheme envisages 3 financial upgradations in a span of 30 years. It is evident that the merger took place w.e.f. 01.01.2006. The DOP &T note clarifies that the MACP Scheme was brought in vogue from 01.09.2008. Nevertheless, one should not miss the point that MACP scheme considers the mergers/ upgradations took place prior to 01.09.2008 while reading the clauses in ACP/ MACP Schemes. Hence, the contention of the respondents that the merger took place w.e.f. 01.01.2006 does not hold ground as it is against their orders expounded above. Based on the above facts, if merger from 01.01.2006 is reckoned as per clause 5 of the MCP Scheme, then the applicant is entitled for 3rd financial upgradation with GP of Rs.7600/-.

7. The OA thus succeeds. Hence, the respondents are directed to consider granting 3rd financial upgradation to the applicant with GP of Rs.7600/- from the date due with all consequential benefits by refixing his pay and pension. Arrears due may accordingly be worked out and paid. Time allowed to the respondents to implement this order is three months from the date of receipt of this order.

8. OA is allowed. No order as to costs.

(SWARUP KUMAR MISHRA)
MEMBER (JUDL.)

(B.V. SUDHAKAR)
MEMBER (ADMN.)

Dated, the 29th day of October, 2018

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