

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION No.173/2017

Date of Decision :- 29.03.2017

CORAM: HON'BLE DR. MRUTYUNJAY SARANGI, MEMBER (A)
HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)

Khadi Commission Karmachari Union
Through the Jt. Secretary -
Shri Shashikant S. More,
Registration No.III/9061, a Trade Union
Registered under the Trade Unions Act,
1962 having its registered office at
3, Irla Road, Vile Parle (W),
Mumbai 400 056.

... ***Applicant***

(By Advocate Ms. Pavitra Manesh)

VERSUS

1. Union of India,
Through General Manager,
Ministry of MSME
Udyog Bhavan,
New Delhi 110 011.
2. Director of Admn.& HR
C/. Khadi Village Industries
Commission, Irla Road, Vile Parle (W),
Mumbai 400 056.
3. Khadi and Village Industries Commissioner
Formed under the Provision of
Khadi and Village Commission Act,
1956 and operating under
The Ministry of Micro, Small and
Medium Enterprises, Govt. of India
Having its Head Office at Gramodaya
3, Irla Road, Vile Parle (W),
Mumbai 400 056,

... ***Respondents***

ORDER (ORAL)

Per: Dr. Mrutyunjay Sarangi, Member (A)

The Applicant in this OA is the Khadi Commission Karmachari Union through its Joint Secretary, Shri Shashikant S. More. The employees belonging to the said Union are aggrieved by the non-grant of MACPs to them and have prayed for the following reliefs;

“8.a) That this Hon'ble Tribunal be pleased to call for the records and proceedings and after going through the same, quash and set aside order dated 04.12.2015 and direct the respondents to implement the MACPS by granting benefit of upgradation in the promotional hierarchy.

b) That this Hon'ble Tribunal be pleased to implement MACPS in respect of all the eligible employees whose names are at Annexure A-2 hereto.

c) That this Hon'ble Tribunal be pleased to direct the Respondents to extend financial up-gradation under MACP in the promotional hierarchy.

d) Pass such other or further orders as may be deemed necessary, fair and proper in the facts and circumstances of the case be passed;

e) Award costs of this Application.”

2. At Annexure A-6 is the representation made by one of the Members of the Union to the Deputy Director In`-charge of Administration/HR, KVIC, Mumbai praying for sanction of MACP in the promotional hierarchy in Grade Pay of Rs.5400/-.

3. The Applicants have attached as Annexure

A-1 a Note dated 04.12.2015 from the Directorate of Administration & HR to the Assistant Director (Administration Gen.Estt. Cell) which reads as follows:

“This Directorate is in receipt of representations from officials holding the posts of Superintends, Care Taker, UDCs and LDCs working in various Directorates in Central Office, KVIC, Mumbai-56 forwarded through Adm/Gen.Estt.Cell as well as controlling officers of these officials seeking benefit of MACP Scheme as per promotional hierarchy.

In this connection, it is stated that the matter is under pursuance and examination with the Ministry of MSME, and till the approval of the Ministry of MSME is received, the requests of above said officials as well as other concerned officials having similar demand cannot be considered to grant them MACP Scheme benefits as per the promotional hierarchy”.

4. We have heard the learned counsel for the applicants briefly. Having gone through the documents attached to the OA and the above mentioned note dated 04.12.2015, we are of the view that at this stage, the interest of justice will be better served, if Respondent No.1 is given a direction to consider the proposal of the KVIC regarding grant of MACP to the Members of the applicant Union and other similarly placed individuals along with the points raised in the present OA.

5. Accordingly, the Respondent No.1 is directed to consider proposal sent by the KVIC

regarding grant of MACP to the applicants and also the matter raised in the OA, and pass a reasoned and detailed order within a period of sixteen weeks from the date of receipt of this order.

6. The Original Application is disposed of with the above directions.

(A.J. Rohee)
Member (J)

(Dr.Mrutyunjay Sarangi)
Member (A)

dm.