

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00981/2016

DATED THIS THE 14TH DAY OF NOVEMBER, 2018

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI C V SANKAR, MEMBER (A)

E.K. Srinivasulu,
S/o (late) Shri E. Kondaiah,
Aged about 56 years,
Working as Senior Private Secretary,
Income-tax Appellate Tribunal,
2nd & 3rd Floors,
FKCCI Complex, K.G. Road,
Bangalore – 560 009
Resident of No. 25, 2nd Main,
1st Cross, Domlur 2nd Stage,
Bangalore – 570 071

.....Applicant

(By Advocate Shri B. Veerabhadra)

Vs.

1. The President,
Income-tax Appellate Tribunal,
3rd & 4th Floors, Pratishtha Bhavan,
Maharshi Karve Road,
Mumbai – 400 020

2. Union of India,
Represented by its Secretary,
Ministry of Law & Justice,
New Delhi – 110 001

....Respondents

(By Shri K. Dilip Kumar, Counsel for the Respondents)

ORDER (ORAL)

DR. K.B. SURESH, MEMBER (J):

Heard. The respondents submit that applicant's career enhancements have been summarized by them as follows:

	<i>Event</i>	<i>Date</i>
1.	<i>Grant of financial upgradation from the scale of RS.6500-200-10500 to Rs.7500-250-12000 in the Fifth CPC scale alongwith pay fixation benefit under FR 22 (I) a (1)</i>	<i>11.4.2001</i>
2.	<i>Granted NFSG Scale from Grade Pay Rs.4800 to Grade Pay 5400 in the Sixth CPC scale alongwith pay fixation benefit under FR 22 (I) a (1)</i>	<i>1.1.2006</i>
3.	<i>Granted MACP from Grade Pay Rs.5400 to Grade Pay Rs.6600 alongwith pay fixation benefit under FR 22 (I) a (1) whereas Shri E.K. Srinivasulu is entitled to MACP in the next hierarchical Grade Pay Rs.5400 in PB-3 with grant of benefit of 1 increment</i>	<i>1.3.2009</i>

2. In the first event, there was a merger. Under FR 22, a new payscale was granted to him. That is not a career enhancement as stipulated by the Hon'ble Apex Court. The Non-Functional grade granted at the second instance and the third instance seems to be correct. Therefore, the applicant is eligible for one more MACP.

3. The OA is allowed to this extent. Benefits to be made available within two months next. No order as to costs.

(C V SANKAR)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No.170/00981/2016

Annexure-A1: Copy of the appointment letter
Annexure-A2: Copy of the recruitment rules
Annexure-A3: Copy of the ACP scheme
Annexure-A4: Copy of the MACP scheme
Annexure-A5: Copy of the DoPT OM dated 10.02.2000
Annexure-A6: Copy of the DoPT OM dated 09.09.2010
Annexure-A7: Copy of Service Certificate
Annexure-A8: Copy of the representation dated 08.04.2015
Annexure-A9: Copy of the Recruitment Rules (Amended)
Annexure-A10: Copy of the order of the Hon'ble High Court

Annexures with reply statement

Annexure-R1: Copy of the Office Order dated 26.06.2003
Annexure-R2: Copy of the communication dated 28.02.2017
Annexure-R3: Copy of the communication dated 26.04.2017
Annexure-R4: Copy of the circular dated 07.12.2016
Annexure-R5: Copy of the circular dated 20.06.2016
Annexure-R6: Copy of the OM dated 19.05.2009
