

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No.4138/2014

New Delhi, this the 30th day of May, 2019

Hon'ble Mr. R.N.Singh, Member (J)

Hon'ble Mr. Mohd. Jamshed, Member (A)

1. Shri Satpal Singh
S/o Late Sh. Amilal
Aged about 52 years
Working as Assistant Library and
Information Officer
R/o 390, Gali No. 9A,
Sawtantar Nagar, Narela, Delhi.

2. Ms. Savita Kaul
W/o Ravinder Kaul
Aged about 51 years
Library & Information Assistant,
Central Archaeological Library,
ASI, Janpath, New Delhi
R/o DG-851, Sarojini Nagar,
New Delhi – 110023.

... Applicants

(By Advocate: Ms. Priyanka Bhardwaj
for Shri M.K.Bhardwaj)

VERSUS

UOI & Ors.

1. The Secretary
Ministry of Culture
Shastri Bhawan, New Delhi.
2. The Director General
Archaeological Survey of India
Janpath, New Delhi.
3. The Secretary
DOP&T, North Block
New Delhi.

.... Respondents

(By Advocate: Shri Ashish Nischal for
Shri Rajinder Nischal)

O R D E R (Oral)

By Hon'ble Shri R.N.Singh, Member (J)

By way of the present OA, the applicants have prayed for the following reliefs :-

- “(a) To declare the action of the respondents in not granting the scale of Rs. 15600-39100 (PB-3) with Grade Pay of Rs. 6600 under MACP Scheme as illegal and arbitrary and set-aside order dated 21.4.2010/02.09.2014 (Colly).
- (b) To direct the respondents to grant scale of Rs.15600-39100 with Grade Pay of Rs. 6600 attached to the promotional posts, as 2nd financial upgradation to the applicants under MACP from due date with all arrears of pay.
- (c) To declare the action of the respondents in not granting the next promotional scale attached to the promotional post as 2nd financial upgradation as illegal, arbitrary and unjustified and issue appropriate consequential directions.
- (d) To allow the O.A. with costs.
- (e) Pass such other direction or directions order or orders as this Hon'ble Tribunal may deem fit and proper to meet the ends of justice.”

2. The matter is listed for final hearing. The learned counsels for the parties submit that in the identical facts and circumstances, this Tribunal has passed order/judgment dated 29.03.2019 in OA No.4554/2014 titled Shri B.S. Bhatia Vs. Chief Secretary, Govt. of NCTD and Ors., which reads as under :-

“The question involved in this O.A. is as to whether the benefit of Modified Assured Career Progression (MACP) Scheme to be extended to an eligible employee shall be in terms of the next

higher scale of pay or in terms of the pay scale, attached to next higher post. Several matters of this nature were dealt with by different Benches. The Ernakulam Bench of this Tribunal allowed one such O.A. on 29.01.2014, directing that the benefit shall be granted in terms of the pay scale attached to next higher post. It is stated that the same has been upheld by the Kerala High Court. On 24.01.2017, it was brought to the notice of this Tribunal that similar issue is pending before the Hon'ble Supreme Court and this O.A. was adjourned *sine die*.

2. We heard Mr. Vijay Pandita, learned counsel for respondents. There is no representation on behalf of the applicant.

3. The only basis for deferring the hearing of this O.A. was the pendency of SLP, in which the operation of the order passed by the Ernakulam Bench of this Tribunal, as affirmed by the Kerala High Court, was stayed.

4. As the things stand now, this Tribunal cannot grant any relief to the applicant. We are of the view that the applicant can claim the MACP benefits in terms of the adjudication, which the Hon'ble Supreme Court may hand out in SLP No.8271/2014 and the resultant Civil Appeal.

5. We, therefore, dispose of this O.A. leaving it open to the applicant to claim the relief of MACP in terms of the judgment, which the Hon'ble Supreme Court may render in the proceedings referred to above. There shall be no order as to costs."

3. The learned counsel for the parties submit that the present OA can also be disposed of in terms of the order/judgment dated 29.03.2019 in B.S. Bhatia (*supra*).

4. Accordingly, the OA is disposed of leaving it open to the applicant to claim the relief of MACP in terms of the judgment which the Hon'ble Supreme Court may render in SLP No.8271/2014 and the resultant Civil Appeal. Learned counsel for the applicant seeks liberty to agitate grievance, if any, survives, even after the judgment of Hon'ble Apex Court in SLP No.8271/2014 and the resultant Civil Appeal.

The applicants shall have liberty, in accordance with law. No costs.

(Mohd. Jamshed)
Member (A)

(R.N.Singh)
Member (J)

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