

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

**OA No.4150/2014
MA No.3635/2014**

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. Rajeev Kumar Negi, SA
S/o Sh. P.S. Negi
Aged about 44 years
R/o 55-J, CBI Colony, Vasant Vihar
New Delhi.
2. Mahesh Kumar Jain, SSA
S/o Sh. S.N. Jain
Aged about 48 years
R/o Qtr. No. 5, CBI Academy
Hapur Road, Ghaziabad, U.P.
3. Ravinder Chauhan, SA
S/o Sh. Shyam Singh Chauhan
Aged about 45 years
R/o H. No. 1244/10, Govind Puri
Kalkaji, New Delhi – 19.
4. Kaushal Kumar Jha, SSA
S/o Late Sh. Budra Nand Jha
Aged about 58 years
R/o Flat No. 227, Pocket – 07
Sector -12, Dwarka, New Delhi.
5. Ashok Kumar, Retd. SSO-II
S/o Sh. Narendra Singh
Aged about 61 years
R/o S-10A, Gali No.4, Param Puri
Uttam Nagar, New Delhi – 110059.
6. Abhav H. Ganvir, SA
S/o Sh. Harishchandra S. Ganvir
Aged about 45 years
R/o House No. F-102, A-16
Krishna Apartment, Street No. 9

Puran Nagar, Palam, New Delhi.

7. Uma Shankar Thakur, SA
S/o Sh. Chandra Dev Thakur
Aged about 39 years
R/o House No. 47-D, CBI Colony
Vasant Vihar, New Delhi – 110057.
8. Alka Anand, SA
D/o Late Sh. J.C. Kalra
Aged about 53 years
A-363, Sarita Vihar
New Delhi - 110076.
9. Neera Jand, SA
D/o Sh. C.P. Kapoor
Aged about 53 years
29/17, West Patel Nagar, New Delhi.
10. Lalita Madan, SSA
D/o Late Sh. K.L. Kathpalia
Aged about 57 years
B-140, Malviya Nagar, New Delhi.
11. Lavang Lata, SA
W/o Late Sh. Sanjay Sharma
Aged about 46 years
R/o F-1/15C, MIG Flats, Hari Nagar, New Delhi.
12. Poonam Kharbanda, SA
Aged about 45 years
D-1/40, Lodhi Colony, New Delhi.
13. J.P. Subnani, Retd. as SSA
Aged about 64 years
C-2C/12/75, Janakpuri, New Delhi.
14. Neelam Arora, SA
D/o Sh. D.L. Malhotra
Aged about 57 years
P-78, N.D.S.E., Part-II
New Delhi – 110049. ... Applicants

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

VERSUS

UOI & Ors.

1. The Secretary
Ministry of Personnel, Public Grievances & Pensions
DOP&T, North Block, New Delhi.
2. The Director
Central Forensic Science Laboratory
CB I, Block No. 4, CGO Complex
Lodhi Road, New Delhi. Respondents

(By Advocate:Shri Aamir Shaikh for Shri Hanu Bhaskar)

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. 5400 & 6600 under MACP Scheme as illegal and arbitrary.

(b) To direct the respondents to grant scale of Rs. 15600-39100 with Grade Pay of Rs. 5400, 6600 and 7600 attached to the promotional posts, as first, 2nd & 3rd 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 1st, 2nd & 3rd 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.

MA, if any pending, is also disposed of.

(Mohd. Jamshed)
Member (A)

(R.N.Singh)
Member (J)

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