

**Central Administrative Tribunal
Principal Bench**

OA No.3594/2013

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

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)

Vinod Kumari (W/SI)
W/o Sh. B ijender Singh,
Age 46 years,
R/o 4/1470, Gali No.14,
Dalai Mohalla, Shahdara,
Delhi 110 032. ... Applicant.

(By Advocate : Shri Sachin Chauhan)

Versus

1. The Govt. of NCTD
Through Commissioner of Police
Police Headquarters, IP Estate,
New Delhi.
2. The Dy. Commissioner of Police (Traffic)
Police Headquarters, IP Estate,
New Delhi.
3. The Joint Commissioner of Police (Traffic)
Through the Commissioner of Police
Police Headquarters, IP Estae,
New Delhi. ... Respondents.

(By Advocate : Ms. Pratima Gupta)

: O R D E R (ORAL) :

Justice L. Narasimha Reddy, Chairman :

The applicant joined the service of Delhi Police as ASI (Women) on 23.06.1989. She was promoted as Sub Inspector on *ad hoc* basis on 02.06.2010. She was also extended the benefit of 1st ACP through proceedings dated

01.10.2001. The MACP Scheme came into force thereafter. The applicant was extended the benefit of 2nd MACP w.e.f. 01.10.2011 through order dated 15.04.2013. The applicant contends that she completed 20 years of service by 23.06.2009 and is entitled to be extended the benefit of 2nd MACP with effect from that date. Hence, this OA.

2. The respondents filed a counter affidavit admitting the service particulars furnished by the applicant. It is, however, stated that the 1st ACP of the applicant was extended through order dated 01.10.2001 and the 2nd MACP was sanctioned w.e.f. 01.10.2011, on completion of 10 years of service from the date of 1st ACP. Certain other contentions are also urged.

3. We heard Shri Sachin Chauhan, learned counsel for the applicant and Mrs. Pratima Gupta, learned counsel for the respondents.

4. The applicant completed 12 years of service as ASI, in substantive capacity on 23.06.2001. Under the ACP Scheme, she was entitled to one upgradation since she did not earn any promotion. Her being posted as SI was only on *ad hoc* basis. It is stated that the sanction of 1st ACP was delayed up to 01.10.2001 on account of certain disciplinary proceedings. The fact remains that the

applicant was found entitled to be extended the benefit of 1st ACP.

5. By the time, the applicant became entitled for 2nd ACP, the MACP Scheme came into existence. The periodicity under this is modified into blocks of ten years of service. The applicant has completed 20 years of service by 23.06.2009. Her entitlement to be extended that benefit is not in dispute as is evident from the fact that the respondents themselves issued the impugned order w.e.f. 01.10.2011. They have realised the error, as to the effective date and on their own rectified the same through proceedings dated 05.02.2014 during the pendency of the OA, but not completely.

6. Now, the dispute gets condensed into the one of 3 months 8 days. The reliance of the respondents on the date of 01.10.2001 is hardly with any basis. Once the applicant is found to be eligible for 2nd MACP, the only relevant date would be the one on which she completed 20 years of service, which is 23.06.2009.

8. We, therefore, partly allow the OA directing that the benefit of 2nd MACP shall be extended to the applicant from 23.06.2009 onwards, and consequential benefits shall also be extended to her. The necessary exercise in this behalf

shall be completed within a period of six weeks from the date of receipt of copy of this order. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/