

**Central Administrative Tribunal
Principal Bench**

OA No.2553/2013

New Delhi, this the 5th day of March, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

1. All India CPWD Office Staff Association,
Through its General Secretary,
Shri Rajesh Kumar Srivastava,
C Wing, Ground Floor,
Near Generator Room,
I.P. Bhawan, New Delhi-110002.
2. Sh. Pradeep Singh Bist,
Age 44 years,
S/o Sh. K.S. Bist,
R/o Flat No.167, Sector-5,
R.K. Puram, New Delhi-110022.
3. Sh. Sanjeev Kumar,
Age 48 years,
S/o Shri Chandra Bhan,
R/o F-2887, Netaji Nagar,
New Delhi-110023
4. Sh. Pankaj Atri,
Age 42 years,
S/o late Sh. R.C. Sharma,
R/o 165/16, Shivaji Nagar,
Gurgaon (HR).

...Applicants

(By Advocate : Shri S.K. Gupta)

Versus

Union of India through

1. Secretary,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi.

2. Director General,
Central Public Works Department,
Nirman Bhawan, New Delhi.

...Respondents

(By Advocate : Shri Gyanendra Singh)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :-

The first applicant is the Association of All India CPWD Office Staff and applicants Nos.2,3&4 are its members.

2. In this OA, the applicants seek a declaration to the effect that the action of the respondents in allowing the benefit of MACP scheme in the immediate next higher Grade Pay in the hierarchy of the recommended pay bands as illegal and arbitrary. Further relief is claimed to allow the upgradation under the MACP scheme in the next higher grade pay and pay band attached to the promotional posts, in the hierarchy.

3. The applicants plead that in the context of extending the benefit of MACP, the upgradation must be to the pay scale as well as grade pay attached to the promotional post, as distinguished from the next higher grade pay. Reliance is also placed on several judgments.

4. Respondents filed counter affidavit opposing the OA. According to them, the scheme as framed by the Government does not permit of the interpretation intended by the applicants.

5. We heard Shri S.K. Gupta, learned counsel for applicant and Shri Gyanendra Singh, learned counsel for respondents in detail.

6. The necessity for us to deal with the case in detail on merits is obviated on account of the development that has taken place during the pendency of the OA. As of now, the SLP No.8271/2014 is pending before the Hon'ble Supreme Court, wherein this very question is under consideration. The first applicant got itself impleaded in the SLP. When the matter is under consideration by the Hon'ble Apex Court, we desist from dealing with that very aspect.

7. We therefore, close the OA, leaving it open to the 1st applicant to put forward its contentions in the SLP. It is needless to observe that the nature of relief to be extended to the applicants herein would depend upon

the outcome of the SLP/Civil Appeal. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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