

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

O.A. No.4554/2014

Friday, this the 29<sup>th</sup> day of March 2019

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

Shri B S Bhatia s/o A S Bhatia  
aged 58 years  
Dy. Supdt. Grade I  
Central jail, Tihar  
r/o B-2, Officers Flats  
Central Jail Tihar, New Delhi – 110 064

...Applicant

(*Nemo*)

Versus

1. Chief Secretary  
Govt. of NCT of Delhi  
5<sup>th</sup> Level, Delhi Secretariat, IP Estate  
New Delhi
2. Director General Prisons  
Prison Head Quarters, Govt. NCT of Delhi  
Lajwanti Garden Chowk, Tilak Nagar  
New Delhi – 110 064
3. Secretary to Govt. of India  
Department of Personnel & Training  
Ministry of Personnel, PG & Pension  
North Block, Central Secretariat  
New Delhi

...Respondents

(Mr. Vijay Pandita, Advocate)

## **O R D E R (ORAL)**

**Justice L. Narasimha Reddy:**

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.

**( Pradeep Kumar )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

**March 29, 2019**  
/sunil/