

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 2876/2013

New Delhi, this the 24th day of April, 2019

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

Tarrif Singh,
S/o Shri Chander Singh,
R/o 49/A, Naya Bajar,
Najafgarh, New Delhi.

.. Applicant

(By Advocate: Shri M.K. Bhardwaj)

Versus

Govt. of NCT of Delhi & Others through

1. The Secretary (Education),
Govt. of NCT of Delhi,
Old Secretariat,
New Delhi.
2. The Director,
Directorate of Education,
Old Secretariat, New Delhi.
3. Deputy Director of Education,
South West-B Najafgarh,
Delhi.
4. The HOS,
Principal,
Govt. Co-Ed Sarvodaya Vidyalaya,
Najafgarh, Delhi.

.. Respondents

(By Advocate: Shri Anil Singal for Mrs. Pratima Gupta)

ORDER (ORAL)**Justice L. Narasimha Reddy, Chairman**

The applicant was appointed as Trained Graduate Teacher in the year 1980 in the Directorate of Education of Delhi. In the year 1994, he was promoted as Post Graduate Teacher. He retired from service in 2012, on attaining the age of superannuation.

2. The case of the applicant for grant of benefit of ACP/MACP was not considered on account of rating of his ACRs for the years 1999-2000, 2000-2001 and 2001-2002, as 'Below Average'. On a representation made by the applicant, the three ACRs were communicated to him. Thereafter, he made a representation for upgradation of the same, to the Competent Authority. Through an order dated 23.02.2011, the Competent Authority took the view that the ACRs do not warrant any upgradation. The said order is challenged in the O.A.

3. Direction is also sought to the respondents to ignore the three ACRs, referred to above, and to grant him the 2nd and 3rd financial upgradations under the ACP/MACP, with arrears.

4. Respondents filed the counter affidavit opposing the O.A. It is stated that occasion for considering the case of the applicant for extending the benefit of ACP/MACP did not arise on account of uncertainty prevailing about the ACRs. It is also stated that once

the issue in that behalf becomes final, necessary steps in that direction would be taken.

5. We heard Shri M.K. Bhardwaj, learned counsel for the applicants and Shri Anil Singal proxy for Mrs. Pratima Gupta, learned counsel for the respondents.

6. The Scheme of ACP/MACP is adopted by the Delhi Administration. According to the ACP Scheme, an employee would be entitled to be extended the benefit of financial upgradation if he did not earn promotion in the 1st spell of 12 years and thereafter in the 2nd spell of 12 years of his service. The Scheme was replaced by MACP Scheme. According to that, the service of an employee is divided into three compartments of 10 years each and if the employee did not earn promotion or financial upgradation in any of the spells, he would be entitled to the extension of benefit of MACP. The applicant earned one promotion in his entire career. In the ordinary course, he would be entitled to earn benefits of two ACP/MACP. However, the evaluation of ACRs and personal record becomes relevant, at the concerned stage.

7. The question is as to whether the three ACRs for the years 1999-2000, 2000-2001 and 2001-2002 would come in the way of any of the upgradation, and needs to be examined. Though the

applicant has challenged the order dated 23.02.2011, we are not inclined to interfere with the same. Now that a clear picture has emerged, the respondents need to examine the case of the applicant, in the context of extending the benefit of ACP/MACP. This exercise shall be completed within two months from the date of receipt of a certified copy of this order. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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