

**Central Administrative Tribunal
Principal Bench**

CP No.568/2016 in OA No.2639/2012

New Delhi, this the 29th day of March, 2019

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

Shri S.K. Saraswat
Retired Education Officer
S/o Late S.P. Saraswat
Aged about 62 years
R/o 121-C/9, Krishan Garh
Vasant Kunj, New Delhi-110070. ..Applicant

(By Advocate: Shri Nilansh Gaur)

Vs.

Sh. K.K. Sharma, Chief Secretary
Govt. of National Capital Territory of Delhi
Delhi Govt. Secretariat, I.P. Estate
New Delhi-110002. ..Respondents

(By Advocate: None)

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 13.10.2017, it was brought to the notice of this Tribunal that an SLP was preferred by the respondents against the judgment of Kerala High Court and this O.A. was adjourned *sine die*.

2. We heard Shri Nilansh Gaur, learned counsel for applicant and perused the record.

3. The only basis for deferring the hearing of this CP 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, close the CP, 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

/vb/