

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

O.A. No.571/2015

Friday, this the 29th day of March 2019

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

Anil Kumar Kapoor & others

...Applicants

(Mr. M K Bhardwaj, Advocate)

Versus

Foreign Secretary

Ministry of External Affairs & another

...Respondents

(Mr. Rajeev Kumar, 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 02.08.2016, 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. M K Bhardwaj, learned counsel for applicants and Mr. Rajeev Kumar, learned counsel for respondents.

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 applicants. We are of the view that the applicants 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 applicants 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/