

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

O.A. No.4213/2014

With

O.A. No.420/2014

Thursday, this the 4th day of April 2019

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

O.A. No.4213/2014

1. Kanwar Singh
Aged about 52 years
s/o Sh. D C Dagar
Working as DPA-B
r/o 11/88, Sector 3, Rajender Nagar
Sahibabad, Ghaziabad, Uttar Pradesh
2. K P Gopinath
Aged about 52 years
s/o Sh. K G Nair
Working as DPA-B
r/o GI 940, Sarojini Nagar, New Delhi-23
3. R Prema, aged about 55 years
d/o Sh. S V Ram
working as DPA-B
r/o H.No.119, Type IV Qtrs
North West Moti Bagh, New Delhi – 21
4. B M Badoni, aged about 52 years
s/o Sh. M K Samy
working as JSO
r/o 42/2D, Sector 2, Gole Market
New Delhi
5. M Rajakumar, aged about 55 years
s/o Sh. M K Samy
Working as JSO
r/o 42/2D, Sector 2, Gole Market, New Delhi
6. B Venkatesan, aged about 52 years
s/o Sh. S Bhashyam
working as DPA-B
r/o 3A, 5/6, Sector 5, Rajender Nagar
Sahibabad, Ghaziabad, Uttar Pradesh

7. Suresh Kumar, aged about 54 years
s/o Sh. J C Nagar
working as DPA-B on deputation to RGI
r/o H-410, Sarojini Nagar, New Delhi
8. V R Jayen, aged about 57 years
s/o Sh. V K Raman Nair
working as DPA-B on Deputation to IB
r/o 31/372, Site-IV, CPWD Cottage,
Koramangla Bangalore – 560034
9. D C Pandey, aged about 53 years
s/o Sh. H D Pandey
working as DPA-B,
r/o 173, Sector-3, Type III, Sadiq Nagar
New Delhi
10. Debashish Mitra, aged about 52 years
s/o Sh. J N Mitra
working as DPA-B,
r/o G-2310, Netaji Nagar, New Delhi
11. L L Satyanarayanan, aged about 52 years
s/o Sh. L Ch. V Raghavaiah
working as DPA-B
R/o Q. No.47, Type-3, North West Moti Bagh
New Delhi – 21
12. deleted as per memo of parties
13. Phoolan Thakur, aged about 60 years
s/o Sh. Kishan Thakur,
retired as DPA-B
r/o RZ-A-21, Mahavir Enclave, New Delhi
14. Sushil Kumar Tanwar, aged about 50 years
s/o Sh. T R Tanwar
working as JSO
r/o E-9, Nanak Pura, New Delhi – 21
15. Manoj Kumar Mittal, aged about 52 years
s/o Sh. O P Mittal
working as DPA-B
r/o G-1/33, Sector 15, Rohini, Delhi
16. B K Routray, aged about 62 years
s/o Sh. K K Routray
retired as JSO
r/o B-532, Qutab Vihar, Phase 2, New Delhi

17. Sunita Ratnakar, aged about 49 years
w/o Sh. Suraj Kumar
working as JSO
r/o E-32D, MIG Flats, Maya Puri, New Delhi -64
18. A K Shrivastav, aged about 50 years
s/o Sh. B Prasad
working as JSO
r/o C-14, Sector III, Chiranjeev Vihar, Ghaziabad, UP
19. Anupam Bhowal, aged about 49 years
s/o Sh. A L Bhowal
working as JSO
r/o K-2116, C R Park, New Delhi
20. S V Nawani, aged about 48 years
s/o Sh. K D Nawani
working as JSO
r/o 13/130, Vasundhara, Ghaziabad, UP
21. Poonam Panwar, aged about 47 years
w/o Sh. Mukesh Panwar
working as JSO
r/o I 303, Sarojini Nagar, New Delhi
22. Mythili Sharma, aged about 46 years
w/o Sh. Anil Sharma
working as JSO
r/o 509-C, Sector 3, R K Puram
New Delhi – 110 022
23. K K Bhardwaj, aged about 46 years
s/o Sh. Pyare Lal
working as DPA-B
r/o J-253, 2nd Floor, Saket, New Delhi
24. Ashwani Kumar, aged about 51 years
s/o Sh. R D Sharma
retired as DPA-B
r/o 2156, Greenfield Colony
Faridabad, Haryana – 121010
25. K P Udayshankar, aged about 57 years
s/o Sh. P. Govindan Kutty Nair
working as JSO
r/o B-3B/19C, Janak Puri, New Delhi
26. Harbhajan Singh, aged about 63 years
s/o Sh. Darbara Singh

retired as DPA-B
r/o 432, Sector V, Urban Estate
Kurukshetra-136118, Haryana

27. Bhagmal, aged about 63 years
s/o Sh. Bansi Ram
retired as DPA-B
r/o Vill Chhaje, PO Sandhol
Distt. Mandi, Himachal Pradesh – 176 090

28. Ajay Kumar Azad, aged about 40 years
s/o Sh. Tej Pal Azad
working as DPA-B on deputation to CAT
r/o 779-E Lohiya Gali No.3, Babarpur, Shahdra
Delhi -32

29. Surekha Soni, aged about 51 years
w/o Sh. Anil Soni
Working as DPA-B,
r/o 637, Lakshmi Bai Nagar, New Delhi

30. Jagmohan Sajwan
Aged about 55 years
s/o Sh. T S Sajwan
working as DEO-E
r/o 238, Type III, Sector 3
Sadiq Nagar, New Delhi-49

..Applicants

(Mr. M K Bhardwaj, Advocate)

Versus

Union of India & others through

1. The Secretary
Ministry of Home Affairs,
North Block, New Delhi

2. The Director General
National Crime Records Bureau
East Block VII, R K Puram, New Delhi

3. The Secretary
Department of Personnel & Training
North Block, New Delhi

..Respondents

(Mr. S K Tripathi, Advocate for Mr. Gyanendra Singh,
Advocate)

O.A. No.420/2014

1. Gopal Datt Saklani
s/o late Sh. D D Saklani
r/o Flat No.172, SFS MIG
DDA, Pkt III, Sec 11, Dwarka, Delhi

2. Anoop Chaudhary,
s/o late Sh. C L Chaudhary
r/o H.No.171, Gangotri Nagar
Lakhimpur Kheri, UP

3. Praful Shankar
s/o late Sh. M P Deokuliar
r/o 303, Desire Residency
Opp DPS Indirapuram
Ahimsa Khand II
Indira Puram, Ghaziabad, UP

..Applicants

(Mr. M K Bhardwaj, Advocate)

Versus

Union of India & others through

1. The Secretary
Ministry of Home Affairs,
North Block, New Delhi

2. The Director General
Sashashtra Seema Bal
Force Headquarters, East Block 5
R K Puram, New Delhi

..Respondents

(Mr. Rajive R Raj, Advocate)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The question involved in these O.As. 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 02.06.2016, it was brought to the notice of this Tribunal that similar issue is pending before the Hon'ble Supreme Court and these O.As. were adjourned *sine die*.

2. We heard Mr. M K Bhardwaj, learned counsel for applicants, Mr. S K Tripathi for Mr. Gyanendra Singh, learned counsel for respondents in O.A. No.4213/2014, and Mr. Rajive R Raj, learned counsel for respondents in O.A. No.420/2014.

3. The only basis for deferring the hearing of these O.As. 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 these O.As. 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.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

April 4, 2019
/sunil/