

**Central Administrative Tribunal  
Principal Bench**

**OA No.3467/2014**

New Delhi, this the 16<sup>th</sup> day of May, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Ms. Aradhana Johri, Member (A)**

Dr. Rajbal Singh,  
Aged 59 years, Joint Director,  
S/o Late Shri Deep Chand,  
R/o A-125, Prodhyogiki Apartment,  
Sector-3, Plot No.11,  
Dwarka, Delhi-75.

...Applicant

(By Advocate : Shri Sachin Chauhan)

**Versus**

1. Union of India,  
The Secretary,  
Ministry of Water Resources,  
Shram Shakti Bhawan,  
New Delhi-110 001.
2. The Director,  
Central Soil & Materials Research Station,  
Olof Palme Marg, Hauz Khas,  
New Delhi-110 016.
3. The Under Secretary,  
To the Govt. of India,  
Ministry of Water Resources,  
Room No.633, Shram Shakti Bhavan,  
Rafi Marg, New Delhi.

...Respondents

(By Advocate : Shri Ashok Kumar Sharma)

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

The applicant joined the service of Central Soil & Materials Research Station under the Ministry of Water Resources in the year 1989 as Sr. Research Officer. He was promoted to the post of Chief Research Officer in the year 1995 and finally as Joint Director on 01.01.2003. Through proceedings dated 29.05.2014, he was extended the benefit of third financial upgradation from Grade Pay of Rs.8700 to Rs. 8900 in Pay Band-4. The applicant contends that the respondents have extended the benefit of next higher scale of pay instead of putting him in the pay scale of promotional post.

2. This OA is filed challenging the order dated 29.05.2014 and seeking a direction to the respondents to extend him the benefit of the Grade Pay of Rs.10,000/- w.e.f. 01.01.2013.

3. The respondents filed counter affidavit opposing the OA. It is stated that according to the MACP scheme framed by the Government, the applicant has to be extended the benefit of next higher scale of pay, if he did

not earn promotion for a period of 10 years and accordingly, the same was extended to him.

4. We heard Shri Sachin Chauhan, learned counsel for applicant and Shri Ashok Kumar Sharma, learned counsel for respondents.

5. The applicant earned two promotions in his career. On the ground that he stagnated in the post of Joint Director for a period of 10 years, he was extended the benefit of third MACP in the year 2013. To that extent, the applicant does not have any grievance. His objection is only as regards the form thereof i.e. non extension of the benefit of the pay scale attached to the next higher post. Through the impugned order, the respondents have put him in the Grade Pay of Rs.8900 from Rs.8700.

6. The question as to whether the benefit of third MACP must be extended in terms of the next higher scale of pay or the scale attached to the next higher promotional post, is under consideration before the Hon'ble Supreme Court. We do not propose to address the same.

7. Hence, the OA is disposed of, leaving it open to the applicant to pursue his remedies, in case, the Hon'ble Supreme Court holds that the third MACP shall be in terms of the pay scale attached to the higher post. If the adjudication is otherwise, no steps need to be taken.

There shall be no order as to costs.

(Aradhana Johri)  
Member (A)

(Justice L. Narasimha Reddy)  
Chairman

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