CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 3468/2013

New Delhi, this the 11th day of July, 2019

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

Shri Niwas Gupta
Teacher
East Delhi Municipal Corporation
Primary Co.Ed. School,
Panchsheel Garden,
Delhi-110032. .. Applicant

(By Advocate : None)

Versus

1. East Delhi Municipal Corporation
   Through its Commissioner
   Udyog Sadan, Industrial Area,
   Patpar Ganj, Delhi-92.

2. North Delhi Municipal Corporation
   Through its Commissioner
   Dr. S.P.M. Civic Center,
   Minto Road,
   New Delhi-110002.

3. The Director,
   Primary Education, EDMC
   Udyog Sadan, Industrial Area,
   Patpar Ganj,
   Delhi-92.

4. DDO (Edu.Deptt.)
   Shahdra North Zone of EDMC
   Keshav Chowk, G.T. Road
   Shahdra, Delhi-32. .. Respondents

(By Advocate : Shri Manjeet Singh Reen for R-2)

O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman

The applicant joined the services of erstwhile Municipal Corporation of Delhi as a Teacher in the year 1989. He was also extended the benefit of 1st ACP on completion of 12 years of service and 2nd MACP on completion of 20 years of service.

2. His grievances is that the benefit of 2nd MACP ought to have been in terms of pay scale of the higher post, i.e. School Inspector, but he was extended it, only the next higher stage of pay. This O.A. is filed with a prayer to direct the respondents to refix his basic pay as Rs.20,280/- with Grade Pay of Rs.5400/- w.e.f. 26.10.2009 and for grant of other consequential benefits.

3. Separate counters are filed by respondents No.1 and 2. It is stated that the applicant was extended the benefit of 1st ACP and 2nd MACP in terms of the relevant Office Memoranda and that the claim of the applicant is without any basis.

4. There is no representation for the applicant. Therefore, we have gone through the record, since the O.A. is one of the oldest cases pending in the Tribunal and

proceeded to decide the case, as provided under Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987.

5. We heard Shri Manjeet Singh Reen, learned counsel for respondent No.2.

6. The applicant was extended the benefit of 1st ACP on completion of 12 years of service and 2nd MACP on completion of 20 years of service. The controversy is as to whether the financial benefit under MACP shall be in terms of the pay scale of the next promotional post or at the higher stage of pay in the same scale. This very question is under examination by the Hon'ble Supreme Court. In matter of this nature, we closed the O.As. leaving it open to the parties to pursue remedies, in accordance with the decision, which the Hon'ble Supreme Court may render on the issue.

7. We, therefore, close the O.A. It shall be open to the applicant to pursue remedies depending upon the decision, which the Hon'ble Supreme Court may render on the issue. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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