

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 4082/2013

New Delhi, this the 7th day of August, 2019

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

1. Central Dairy Mazdoor Sangh DMS
Through its President
Shyam Singh, S/o Hoshiyar Singh
Delhi Milk Scheme
West Patel Nagar, New Delhi-110008.
2. Shri Ram Pravesh Thakur
Working as Semi-Skilled Fitter
Delhi Milk Scheme
Patel Nagar, New Delhi.

.. Applicants

(By Advocate: Mr. Padma Kumar S. with Shri P.S. Parihar
for Shri S.M. Garg)

Versus

1. Union of India
Through the Secretary,
Ministry of Agriculture,
Department of Animal Husbandary,
Dairying & Fisheries,
Krishi Bhawan, New Delhi-110001.
2. The General Manager,
Delhi Milk Scheme,
West Patel Nagar,
New Delhi-110008.

.. Respondents

(By Advocates: Mr. S.K. Tripathi for Shri Gyanendra Singh for
R-1 and Mrs. Avinash Kaur for R-2)

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

The 1st applicant is Association of the employees of the 2nd respondent, i.e., Delhi Milk Scheme (DMS) and the 2nd applicant is one of its members. It is stated that large number of employees in the 2nd respondent are appointed through direct recruitment and on account of absence of promotional avenues, they were stagnating in service. Accordingly, the 2nd respondent adopted the ACP Scheme and thereafter, the recommendations of the 6th Central Pay Commission (for short, 6th CPC). It said to have been decided to extend the benefit of pay scale of Rs.3050-4590 as 1st ACP and the pay scale of Rs.4000-6000 as 2nd ACP. The applicants further contend that consequent upon acceptance of the recommendations of the 6th CPC, the Grade Pay of Rs.1900 was allowed for the 1st ACP and Rs.2400 for the 2nd ACP.

2. The 1st applicant submitted a detailed representation to the Management, stating that equation in terms of Grade Pay, vis-a-vis, the benefits of ACP/MACP are not accurate and, accordingly, demanded to extend the benefit of Grade Pay of

Rs.2400, Rs.2800 and Rs.4200 towards 1st, 2nd and 3rd MACPs. The 2nd respondent is said to have acted upon the same and forwarded it to the 1st respondent, the concerned Ministry, but the latter had returned the proposal on 28.10.2010. It is, in this background, that the present O.A. is filed, with a prayer to direct the respondents to grant to the SSO/SSF scales in the 2nd Respondent Organisation; or in the alternative, to grant the 1st, 2nd and 3rd MACP in the Grade Pay of Rs.2400, Rs.2800 and Rs.4200, respectively, on completion of 10, 20 and 30 years of regular service. However, at present, the 1st prayer regarding grant of SSO/SSF is not pressed.

3. It is contended that the necessity to demand the Grade Pay, as above, towards various ACPs has arisen on account of discrepancy, that emerged at the stage of implementation of the 6th CPC. Their grievance is that though the 2nd respondent was satisfied about the genuinity of the demand, the 1st respondent has returned it without any basis.

4. The 2nd respondent filed a detailed counter affidavit. It is stated that the pay scales of the employees of the 2nd respondent were restructured, from time to time, and even the benefit of

ACP/MACP has been extended. It is stated that neither in the recommendations of the 6th CPC nor in the MACP, there is any provision for extension of Grade Pay of Rs.2400, Rs.2800 and Rs.4200 towards 1st, 2nd and 3rd MACPs.

5. We heard Shri Padma Kumar S. with Shri P.S. Parihar, proxy for Shri S.M. Garg, learned counsel for the applicants and Shri S.K. Tripathi, proxy for Shri Gyanendra Singh, learned counsel for respondent No.1 and Mrs. Avinash Kaur, learned counsel for respondent No.2.

6. As observed earlier, the applicants made a prayer for grant of SSO/SSF for the employees of the 2nd respondent, but the same is not pressed. What is now claimed is the Grade Pay of Rs.2400, Rs.2800 and Rs.4200 towards 1st, 2nd and 3rd MACPs, on completion of 10, 20 and 30 years of regular service.

7. Before the MACP Scheme was introduced, on the basis of the recommendations of the 6th CPC, the ACP Scheme was in force. The difference between them is that under the ACP Scheme, if an employee is stagnated without any promotion for a period of 12 years, he was entitled to put in the next higher scale and similar benefit is extended on expiry of 24 years of

regular service. Under the MACP Scheme, the periodicity is 10 years, instead of 12 years and it is extended at three stages, instead of two.

8. It is not in dispute that the 2nd respondent has extended the benefit of 1st ACP to its employees in the form of pay scale of Rs.3050-4590 and 2nd ACP in the pay scale of Rs.4000-6000. In terms of Grade Pay introduced through the 6th CPC, it was Grade Pay of Rs.1900 for the 1st ACP and Grade Pay of Rs.2400 for the 2nd ACP. The 6th CPC recommended upgradation of certain pay scales w.e.f. 01.01.2006. If an employee was put in the Grade Pay of Rs.2400, even before he was extended the benefit of the corresponding ACP/MACP, no additional benefit would accrue to him. This anomaly was certainly to be addressed. However, in the name of projecting that, the applicants wanted a complete rehaul of the Scheme. They wanted the Grade Pay of Rs.2400, Rs.2800 and Rs.4200 towards 1st, 2nd and 3rd MACPs. This is totally unacceptable and impermissible. The grievance of the applicants as to the balancing of the pay structure of the employees at the stage of implementation of the 6th CPC can certainly be addressed.

9. We, therefore, partly allow the O.A., by directing the respondents to address the anomaly, pertaining to extension of the Grade Pay to the employees of the 2nd respondent, in terms of the relevant ACP/MACP, falling due at the stage of implementation of the recommendations of the 6th CPC. The individual grievances, if any, presented before them shall be addressed, within a period of two months from the date of receipt of the claim/representation. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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