

**Central Administrative Tribunal
Principal Bench**

**OA No.4465/2014
MA No. 3919/2014
MA No. 486/2015**

New Delhi, this the 20th day of August, 2019

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

1. All India Audit & Accounts Association,
Represented through its Secretary General,
M. S. Raja, Aged 54 years,
S/o A. Vasudevan Bhattathiripad,
15/1089-90, Vasundhara,
Ghaziabad – 201012.
2. Mr. Anil J, Aged 31 years,
Asst. Audit Officer (A.A.O.)
S/o Shri V Jayachandran,
C-35, DDA Flats, Ph-1,
Katwaria Sarai,
New Delhi – 110016.
3. Mr. Subhash Chandra Goyal,
Aged 57 years, Asst. Audit Officer (A.A.O.),
S/o Late Sri Motilal Goyal,
31, Arjun Nagar North,
Tonkphatak, Jaipur,
302015.

...Applicants

(By Advocate: Ms. Haripriya Padmanbhan, Ms. Aishwarya
Kawe, Ms. Gayatri Verma and Mr. Shrutanjaya Bhardwaj)

Vs.

1. Union of India,
Through Secy to Govt.,
Ministry of Finance,
North Block,
New Delhi.
2. The Comptroller & Auditor
General of India,
Pkt No. 9, Deendayal Upadhyay Marg,
New Delhi – 110124.

3. Union of India,
 Through its Secretary,
 Ministry of Personnel,
 Public Grievances & Pension,
 (Dept. of Personnel & Training)
 North Block, New Delhi.

... Respondents

(By Advocate : Ms. Eshita Baruah and Ms. Priya Barua for
 Mr. Gaurang Kanth)

: O R D E R (ORAL) :

Justice L. Narasimha Reddy, Chairman :

The 1st applicant is an association of All India Audit and Accounts, and the applicant Nos. 2 and 3 are said to be its members. They filed this OA claiming relief, in relation to the extension of benefit of Grade Pay of Rs. 5400/-, on par with Senior Auditors and Accountants who got the benefit of MACP, w.e.f. 01.09.2008. They have also challenged the validity of Clause 10 of Modified Assured Career Progression (MACP) scheme, insofar as, it prohibits the claims of parity of pay scales, in the context of extension of benefit of MACP. The applicants have also urged various other contentions.

2. Respondents filed a detailed counter affidavit opposing the OA.

3. We heard Ms. Haripriya Padmanbhan, Ms. Aishwarya Kawe with Ms. Gayatri Verma, learned counsel for the

applicants and Ms. Eshita Baruah with Ms. Priya Barua for Mr. Gaurang Kanth, learned counsel for the respondents.

4. The MACP scheme provides for extension of benefit of upgradation of pay scale, to an employee who did not get promotion in a span of 10 years each. This was preceded by ACP where the span was 12 years. One of the conditions incorporated in the MACP Scheme is that the benefit of upgradation, extended to an employee shall not be the basis to claim the upgradation of pay scale by his senior.

5. As a result of extension of benefit of MACP Scheme, some of the Senior Accountants and Auditors are put in the grade pay of Rs. 5400/-. The seniors to such employees who did not have the occasion to avail the benefit of MACP either on account of their having got promotion or other reasons, are feeling aggrieved. This very aspect is under consideration before the Hon'ble Supreme Court. The question, as to whether, an employee can seek parity with his junior, who has been extended the benefit of MACP Scheme was dealt with by the Tribunal and High Courts earlier and, as of now, it is pending adjudication in SLP (C) Nos. 14918-19/2016. We are of the view that no useful purpose would be served by the keeping the O.A. pending or by issuing directions at this stage.

6. We, therefore, close the O.A., leaving it open to the applicants to pursue the remedies, depending upon the outcome of SLP (C) Nos. 14918-19/2016 and other connected matters. The fresh O.A., if any, filed after the adjudication of the matter before the Hon'ble Supreme Court shall be treated as continuation of the prevalent O.A. Pending M.A.s, if any, shall stand disposed of.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

'Ankit'