

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

**This the 24<sup>th</sup> Day of September, 2019**

**O.A. No. 572/2015**

**Mr. S.N. Terdal, Member (J)**  
**Mr. Pradeep Kumar, Member (A)**

Sh. Promod Kumar Saxena  
Aged about 66 years  
Asstt. Engineer (Electric), MCD, Retd.  
S/o late Sh. Sukhbir Prasad  
R/o Flat No. 108, Pocket B-8  
Sector-4, Rohini, Delhi - 110085

....Applicant

(By Advocate : Mr. M.K. Bhardwaj)

Vs.

1. North Delhi Municipal Corporation  
(Through its Commissioner)  
4<sup>th</sup> Floor, Dr. Shyama Prasad Mukherjee  
Civic Centre, Minto Road, New Delhi -110002.
2. Additional Commissioner (Engg.)  
North Delhi Municipal Corporation  
Dr. Shyama Prasad Mukherjee  
Civic Centre, Minto Road, New Delhi -110002.

...Respondents

(By Advocate : Mr. Vivek Jaiswal)

**Order (Oral)**

**Mr. S.N. Terdal :**

Heard Mr. M.K. Bhardwaj, counsel for applicant and Mr. Vivek Jaiswal, counsel for respondents.

2. This OA has been filed seeking the following reliefs :-
  - “a) To direct the respondents to reassess the applicant’s suitability for grant of 3<sup>rd</sup> Financial Upgradation under MACP Scheme from 01.09.2008 by ignoring the downgrading by Reporting Officer and on the basis of grading given by Reporting Officer in the relevant ACRs and pass necessary orders for grant of 3<sup>rd</sup> Financial Upgradation to the applicant in the pay scale of Rs. 15600-39100 with

grade pay of Rs. 7600 from due date with arrears of pay and interest.

- b) to direct the respondents to re-fix his pay and pension in the revised pay scale of IIIrd Financial Upgradation under MACP Scheme w.e.f. 1.9.2008 and to pay the arrears to be accrued on account of respondent-fixations of his pay and pension along with interest @18% for the delayed period from 1.9.2008 till realization due to the delay attributed to by the respondents.
- c) to direct the respondents to ignore all the below benchmark/adverse un-communicated grading and hold review DPC to consider applicant's claim for grant of 3<sup>rd</sup> Financial Upgradation from due date with all arrears of pay.
- d) Pass such other and/or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in the interest of justice."

3. At the time of hearing, we have noticed that the applicant had made a representation on 11.09.2014 and in the counter, the respondents have stated that because of the grading in the ACRs being below benchmark, the relief prayed for in the OA could not be granted to the applicant, but, however, the respondents have not disposed of the said representation.

4. In view of the same, we are of the opinion that the applicant may submit comprehensive representation to the respondents within 15 days from the date of receipt of certified copy of this order and within three months, thereafter, respondents shall dispose of the same by passing a reasoned and speaking order. Accordingly, OA is disposed of. No order as to costs.

**(Pradeep Kumar)**  
**Member (A)**

**(S.N. Terdal)**  
**Member (J)**

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