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**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

ORIGINAL APPLICATION NO. 181/00433 of 2016

Tuesday, this the 20th day of August, 2019

CORAM

**Hon'ble Mr. E.K.Bharat Bhushan, Administrative Member
Hon'ble Mr.Ashish Kalia, Judicial Member**

Shri A.C.Nadarkoya,
S/o K.C.Sikhandar,
Aged 70 years,
Head Master (Retd),
Junior Basic School Centre,
Union Territory of Lakshadweep,
Agatti and residing at
Athana Illam,, Chetta House,
Union Territory of Lakshadweep,
Agatti-682 553.

... Applicant

(By Advocate Mr.NUnnikrishanan)

Versus

1. The Union of India,
represented by the Secretary to
Government of India,
Ministry of Personnel Public Grievance
and Pension (Department of Personnel and Training),
New Delhi - 110 001.
2. The Administrator,
Union Territory of Lakshadweep,
Kavaratti Island – 682 55.

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3. The Director of Education,
Union Territory of Lakshadweep,
Kavaratti Island 682 555.
4. The Principal,
Senior Secondary School,
Union Territory of Lakshadweep,
Agatti – 682 553.

..... Respondents

(By ACGSC, Shri Anil Ravi for Respondent-1 and Standing Counsel Mr.S.Manu for Respondents-2to4)

This application having been heard on 8th August, 2019, the Tribunal on 20th August, 2019 delivered the following :

ORDER

HON'BLE Mr.E.K.BHARAT BHUSHAN, ...ADMINISTRATIVE MEMBER

OA No.433/2016 is filed by A.C.Nadarkoya, a retiree from government service claiming the following reliefs:

- i) To call for the records leading to the denial of benefits under the Scheme of MACP Scheme to the applicant;
- ii) To declare that the applicant is entitled to three Financial Upgradations under the MACP Scheme as envisaged in Annexure A3
- iii) To issue appropriate Order or Direction to the Respondents to sanction and release the financial benefits towards three financial upgradations (10, 20 and 30 years respectively) w.e.f 31.01.2006 and arrears thereon within a reasons time;
- iv) To grant such other reliefs as this Hon'ble Tribunal may deem fit, just and necessary; and
- v) To grant the cost of this Original Application.

2. The applicant had entered the service of Lakshadweep Administration as

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Primary School Teacher on 23.01.1969 and retired from service on 31.01.2006. His initial pay scale was Rs.118-270, which was revised on the basis of III Central Pay Commission as Rs.330-560 and the IV Pay Commission as Rs.1200-2040. He was also placed in the time bound scales of Senior Scale of Rs.1400-2600 and Selection Scale of Rs.1640-2900 with effect from 01.01.1986 and 23.01.1987 respectively. The sole promotion that he got was when he was promoted as Headmaster and as per Vth Pay Commission the selection scale was revised to Rs.6500-10500. On implementation of VI CPC, he was placed in the revised pay scale of Rs.7500-12000 and his pay was fixed in the corresponding Pay Band-2 of Rs.9300-34800 with a Grade Pay of Rs.4800/- on 01.01.2006.

3. As per the recommendation of Vth CPC, ACP scheme for Central Government employees was implemented with effect from 09.08.1999, as per which financial upgradations are to be allowed at intervals of 12 years regular service for all Civilian employees who do not get the benefit of promotion. A copy of the OM dated 09.08.1999 is at Annexure A1. With the VIth Central Pay Commission, the ACP Scheme was modified as MACP Scheme with effect from 01.09.2008, by which financial upgradation under the Scheme were available to employees on completion of 10, 20 and 30 years of continuous service, in the event of their not getting promotion. These have been denied to the applicant inspite of the fact that the facility was extended to all categories of Teachers and non-Teaching staff working under the

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Education Department.

4. Although, the MACP Scheme was introduced in 2008 only, its applicability had been pre-dated to 01.01.2006. The applicant having retired from service on 31.01.2006 is hence entitled to the benefits under the Scheme. As the respondents failed to grant him the benefits under the Scheme, he made several representations to the authorities. But these were of no avail.

5. In short, the applicant seeks the following financial upgradation under MACP:

<u>Date of initial appointment as P.S.T.</u>	<u>23.01.1969</u>	<u>Grade Pay</u>	<u>Rs.4800/-</u>
Date of 1 st Upgradation as per ACPs -	23.01.1979	-Do-	Rs.5400/-
Date of 2 nd Upgradation - Do -	23.01.1989	-Do-	Rs.5400/-
Date of 3 rd Upgradation - Do -	23.01.1999	-Do-	Rs.6600/-
Date of functional Promotion as Headmaster	01.01.2001	-Do-	Rs.7600/-

6. The respondents have filed a reply statement opposing the prayer contained in the OA. It is stated that the applicant had entered service as Primary School Teacher on 23.01.1969, in the scale of pay of Rs.118-270. He was granted Senior scale of Rs.1400-2600, Selection Scale of Rs.1640-2900 with effect from 01.01.1986 and 23.01.1987 respectively. Thereafter, in compliance with the order of this Tribunal dated 26.02.2015 in OA

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No.22/2015 filed by the applicant, the selection scale of Rs.1640-2900 was granted with effect from 23.01.1987 and consequential benefits were also paid. Annexure A2 refers. The benefits of financial upgradation that he has got are enumerated in the following table.

REVISED SCALE

Entry scale	3 rd CPC	4 th CPC	5 th CPC	6 th CPC
118-270	330-560	1200-2040	4500-7000	9300-34800 + GP 4200
Senior Scale	530-630	2040-2600	5500-9000 upgraded by 6 th CPC as 7450-11500	PB 2 - 9300-34800 + GP 4600
Selection Scale	—	1640-2900	6500-10500 upgraded 7500-12000 6 th CPC	9300-34800 + GP 4800

7. The applicant was bestowed with one promotion as Headmaster, the post he joined on 01.01.2001 and the scale of pay of Headmaster is Rs.6500-10560 with corresponding Pay Band-PB2 Rs.9300-34800 + GP Rs.4800. Thus it could be seen that the applicant had already enjoyed two financial upgradations proceeding to entry scale, senior scale and selection scale, followed by one promotion. Thus, since he is in receipt of two financial upgradation and one promotion, he is not eligible for the benefit under MACP Scheme as claimed. This being the position the issue whether he could be brought under MACP Scheme, having retired from service on 31.01.2006 is only of academic interest.

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8. Heard Shri Unnikrishnan, learned Counsel for the applicant as well as Standing Counsel for Lakshadweep Administration. The MACP Scheme as well the ACP which were in existence before are meant to give relief to personnel who have stagnated in one grade without promotion. While ACP envisaged financial upgradation after 12 and 24 years, MACP Scheme provided for financial upgradation after 10, 20 and 30 years. The applicant, admittedly having been in service for over 30 years, has got two financial upgradations and one promotion. Having got these facilities, the applicant is clearly ineligible for any further benefits as claimed. The applicability of the date of MACP is an irrelevant issue considering that he has already got two financial upgradations and one promotion and is ineligible for benefits under the Scheme. OA is dismissed. No costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

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List of Annexures in O.A. No.181/00433/2016

1. Annexure A1 - True copy of the O.M. No.35034/01/97-Estt(D) dated 09.08.1999.
2. Annexure A2 - True copy of the entry at pages 22 & 23 of Swamy's CCS (RP) Rules 2008.
3. Annexure A3 - True copy of the O.M.No.35034/03/2008 Estt(D) dated 19.05.2009.
4. Annexure A4 - True copy of letter F.No.18-18-2009 Edn (Estt) dated 31.12.2009.
5. Annexure A5 - True copy of the order awarded financial upgradation by F.No.18-18-2009.Edn/Estt(part) dated 11.02.2011.
6. Annexure A6 - True copy of the representation dated 30.10.2015 submitted to the 3rd respondent.
7. Annexure A7 - True copy of the reminder letter dated 28.11.2015 submitted to the 3rd respondent.
8. Annexure A8 - True copy of the representation dated 02.01.2016 submitted to the 2nd respondent.
9. Annexure A9 - True copy of the reminder letter dated 06.02.2016 submitted to the 2nd respondent.
10. Annexure A10 - True copy of the order awarded senior scale by letter F.No.1/2/91-GHSA dated 06.11.1991.
11. Annexure A11 - True copy of order awarded selection scale by letter F.No.36-02-2015 Edn (part)/1983 dated 21-12-2015.
12. Annexure A12 - True copy of the pay fixation order by F.No.1/60/2004, GSSSA/809 dated 07-01-2016
13. Annexure A13 - True copy of the revised pay scales of teaching staff given in Swamy's compilation CCS (RP) Rules, 2008.
14. Annexure A14 - True copy of the O.M.No.35034/3/2008 Estt(D) of dated 09-09-2010.

15. Annexure A15 - True copy of Abstract Details of MACPs worked out by the Department of Education U.T. Of Lakshadweep, Kavaratti.

16. Annexure R2(a) - True copy of order F.No.36/2/2015-Edn dated 21.12.2015.

17. Annexure A16 - True copy of Letter No.F.5-180/86-UTI dated 12.08.1987.

18. Annexure A17 - True copy of Letter No.F.5-180/86-ST.1 dated 03.11.1987.
