

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00239/2016

Date of Order: 29.08.2019

CORAM

**HON'BLE MR. JAYESH V. BHAIRAVIA, JUDICIAL MEMBER
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER**

1. Anish Ahmad, son of Late Abdur Rasheed, Resident of 204 Gilani Plaza Apartment, Indrapuri, Raza Bazar, Patna-14.
2. Kamlesh Prasad, son of Shri Ishwer Prasad, Resident of C/O Ajay Kumar Sinha, Bhot Nath Road, Jai Prakash Nagar, in front of House No. 4 H/1 Bahadurpur Housing Colony, Patna- 26.

..... **Applicants.**

- By Advocate: Mr. S.K. Raj

-Versus-

1. The Union of India through the Chairman, Central Water Commission, Sewa Bhawan, R.K. Puram, New Delhi.
2. The Secretary, Ministry Water Resources, Government of India, new Delhi.
3. The Secretary, Ministry of Personnel, Public Grievances and Pensions, Shastri Bhawan, New Delhi.

..... **Respondents.**

- By Advocate: Mr. H.P. Singh, Sr. SC

O R D E R
[ORAL]

Per Dinesh Sharma, A.M.: - In the instant OA the applicants have prayed for declaring the action of the respondents in not granting the scale of 15600-39100 with GP of Rs. 5400/- as given to similarly placed persons as illegal and arbitrary. They have also prayed for directing the respondents to grant GP of Rs. 5400/- and 6600 in PB-3 and scale of Rs. 15600-39100/-

attached to promotional posts, as second and third financial upgradations to the applicants under MACP from due date with all arrears of pay.

2. The respondents have denied the claim of the applicants. They have stated that the financial upgradation is given in the grade pay hierarchy rather than in the next grade pay of promotional hierarchy. The position on this matter has now been well settled through various decisions of the CAT which have been subsequently upheld by Hon'ble High Court and the Apex Court. Even in a recent judgment by this Bench of the Tribunal dated 23.05.2016 in OA/050/00054/2015 a similar claim has been rejected by a very detailed and reasoned order in which all the issues raised in the OA has been discussed and has been clearly decided that financial upgradation has to be in the next grade pay which has been correctly given in the present OA by the respondents.

3. After going through the pleadings and hearing the arguments of learned counsels for the parties, we are fully satisfied that our decision in OA/050/00054/2015 dated 23.05.2016 squarely applies on the facts of this case and therefore we do not find any merit in this OA. The OA is, therefore, dismissed.

[Dinesh Sharma]/M[A]

[J.V. Bhairavia]/M[J]

Srk.