

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

OA No. 3166/2019

New Delhi this the 26th November, 2019

**Hon'ble Sh. R.N. Singh MEMBER (J)
Hon'ble Ms. Aradhana Johri MEMBER (A)**

Shri Sukh Pal,
S/o Late Sh. Lakhi Ram,
Age+ 59 ½
Working as A.E (C)-P
Group-B,
R/o + 28/23, Kasturba Nagar,
Shahdara, Delhi- 1100032.

.....Applicant

(By Advocate: Sh. Manjeet Singh Reen)

Versus

1. Prasar Bharti Corporation,
Through its'
Director General
All India Radio',
CGO Complex, Lodhi Road,
New Delhi.
2. The Chief Engineer,
Civil Construction Wing (AIR)
6th Floor, Soochna Bhawan,
CGO Complex, Lodhi Road,
New Delhi- 110003.
3. The Superintending Surveyor of
Works-I,'
Civil Construction Wing, All India Radio
6th Floor, Soochna Bhawan,
New Delhi- 110003

.....Respondents

(By Advocate : Sh. B. S. Rawat)

ORDER (ORAL)**HON'BLE SH. R. N. Singh MEMBER (J)**

1. Sh. Manjeet Singh Reen, learned counsel for the applicant submits that during the pendency of the OA, the Department of Personnel and Training has issued Office Memorandum bearing No. 35034/3/2015-Estt. (D) dated 22.10.2019 regarding consolidated guidelines regarding modified assured career progression scheme for the central government civilian employees and in view of the provisions of Para 20 at internal page no. 8 of such office memorandum, the claim of the applicant is squarely covered.

2. Learned counsel for the respondents submits that though the respondents have filed counter reply and have disputed and denied the claim of the applicants relying upon the earlier instructions on the subject. However in view of the revised instruction on the subject, the respondents at their own, have written the communication dated 05.11.2019 to the competent authority i.e. Director General, All India Radio, Parliament Street, New Delhi. A copy of which, learned counsel for the respondents has placed on

record and the operative portion of the same, reads as under:-

Now this office has received letter No. SSW-III/1(24)/93-S/2274 dated 23.10.2019 (photocopy enclosed) vide which the representation of various AE (C)- P has been forwarded to this office referring the Para 20 of Annexure-I at page no. 8 of latest DOPT OM No. 35034/3/2015-Estt (D) dated 22.10.2019 which clearly states that in case where a senior Government servant granted MACP to a higher Grade Pay before the 1st day of January, 2016 draws less pay in the revised pay structure than his junior who is granted MACP to the higher level on or after the 1st day of January, 2016, the pay of senior Government servant in the revised pay structure shall be stepped up to an amount equal to the pay as fixed for his junior in that higher post and such stepping up shall be done with effect from the date of MACP of the junior Government servant subject to the fulfilment of the conditions as mentioned therein.

In view of above, it is requested that your earlier advice in the matter given vide letter No. 16/69/2016-S-III/536 dated 05/07/2019 may kindly be reviewed in the light of Para 20 of latest DOPT order No. 35034/3/2015-Estt. (D) dated 22.10.2019. (copy enclosed).

The issues with the approval of the Chief Engineer."

3. Sh. Manjeet Singh Reen, learned counsel for the applicant, further submits that the applicant is likely to retire on attaining the age superannuation on 31.12.2019 and an expeditious action in the matter is expected from the respondents.

4. In view of the case, with the consent of the parties, present OA is disposed of with the directions to the respondents to take a final decision and pass the necessary orders keeping in view the revised instructions vide office memorandum dated 22.10.2019, issued by DoP&T and any latest instructions in this matter within a period of four weeks from the date of receipt of a certified copy of this order. OA is disposed of accordingly. No order as to costs.

(Aradhana Johri)
Member (A)

(R. N. Singh)
MEMBER (J)

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