
(2020) 09 CAT CK 0044

In the Central Administrative Tribunal

Case No : Original Application No. 1206 Of 2020

Ajit Singh Yadav

APPELLANT

Vs

North Delhi Municipal Corporation

RESPONDENT

Date of Decision : 10-09-2020

Acts Referred:

Citation : (2020) 09 CAT CK 0044

Hon'ble Judges : L. Narasimha Reddy, J;A.K. Bishnoi, Member (A)

Bench : Division Bench

Advocate : Sanjiv K. Jha, Upjeet Singh

Final Decision : Disposed Of

Judgement

L. Narasimha Reddy, J

1. The applicant states that he joined the service of the Municipal Corporation of Delhi (MCD) in the year 1998 as Assistant Engineer. It is also stated that he was extended the benefit of 1st ACP in the year 2008. The applicant is said to have been put on look after charge for the post of Executive Engineer (EE) and promoted on ad-hoc basis w.e.f. 15.12.2008. The regular promotion to the post of EE is said to have taken place on 12.01.2017. He contends that he is entitled to be extended the benefit of 2nd financial upgradation under MACP Scheme and that the respondents are not extending the benefit to him. This OA is filed challenging the same.

2. We heard Mr. Sanjiv K. Jha, learned counsel for the applicant and Mr. Upjeet Singh, learned counsel for the respondents, at the stage of admission through video conferencing.

3. The ACP Scheme was replaced by the MACP Scheme. Under the MACP Scheme, an employee would be entitled to be extended the benefit of financial upgradation on completion of 10, 20 and 30 years of service, in case he did not earn a promotion or did not get any financial upgradation during those spells.

Even according to the applicant, he was extended the benefit of one ACP/MACP and one promotion to the post of Executive Engineer. Strictly speaking, this will take care of his service upto 20 years.

4. The occasion to extend the 2nd financial upgradation under MACP would arise, only if he did not earn a promotion in the spell of 10 and 20 years of service. If the promotion of the applicant to the post of EE is taken to have occurred in the first spell of 10 years, the earlier benefit becomes redundant and, if on the other hand, it is to be treated as the one that occurred in the second spell of 10 years, that would offset the 2nd MACP. These, however, are the facts, that need to be examined and verified by the respondents.

4. We, therefore, dispose of the OA by directing the respondents to consider the request of the applicant for 2nd MACP and to pass appropriate orders within a period of six weeks from the date of receipt of copy of this order, strictly in accordance with law. There shall be no order as to costs.