
(2021) 02 CAT CK 0096

In the Central Administrative Tribunal

Case No : Original Application No. 1156 Of 2018

Harish Kumar Pruthi

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 16-02-2021

Acts Referred:

Citation : (2021) 02 CAT CK 0096

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

Bench : Division Bench

Advocate : Jasvinder Kaur, Rajeev Kumar

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J

1. The applicant joined the service of Central Board of Excise and Customs in the year 1985. Since, he did not get any promotion in the first spell of 10 years of his service, he was extended the benefit of 1st ACP through order dated 12.10.1999, w.e.f 09.08.1999. Thereafter, the applicant was promoted to the post of Superintendent in the month of September, 2002. He was extended the benefit of Non Functional Upgradation (NFU) in the year 2006, on completion of 4 years of his service in the Grade Pay of Rs.4800/-. He was also promoted to the post of Assistant Commissioner in the year 2014 and ultimately he retired recently from service on 31.01.2021.

2. The applicant made a request for extension of the benefit of 3rd MACP, stating that between the spell of 20 and 30 years of his service, he did not get any promotion. Respondents, issued a reply dated 16.02.2018, stating that the NFU extended to the applicant in the year 2006 would offset the 3rd MACP. The same is challenged in this OA.

3. The applicant contends that he was promoted to the post of Superintendent and that the NFU accrued to him on account of completion of 4 years in a scale

and that the NFU cannot offset substantive benefit like MACP.

4. Respondents filed the counter affidavit reiterating the stand taken in the impugned order.

5. We heard Ms. Jasvinder Kaur, counsel for applicant and Shri Rajeev Kumar, counsel for respondents.

6. The claim in this OA is only for benefit of 3rd MACP. The applicant was extended the benefit of 1st ACP, and one promotion, by the time, the scheme of MACP came into force. Unlike in the case of ACP, any upgradation and not necessarily promotion, would offset the career progression through the MACP. It is not in dispute that the applicant got NFU in the year 2006 after four years of service in the Grade Pay of Rs. 4,800/-, and he was put in the Grade Pay of Rs. 5400/-. When such is the phenomenal increase in his pay, the occasion to extend the benefit of MACP does not arise at all. The uncertainty which prevailed as to whether MACP can be offset only through regular promotion or any other financial upgradation was put at rest by the Hon'ble Supreme Court. It was held that in whatever form upgradation would offset MACP.

7. We do not find any merit in the OA and the same is accordingly, dismissed.

There shall be no order as to costs.