

(2020) 12 CAT CK 0016

In the Central Administrative Tribunal

Case No : Original Application No. 1964 Of 2020

Naveen Kumar Agarwal

APPELLANT

Vs

Delhi Development Authority & Others

RESPONDENT

Date of Decision : 03-12-2020

Acts Referred:

Citation : (2020) 12 CAT CK 0016

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

Bench : Division Bench

Advocate : Sourabh Ahuja, J.P. Tiwari

Final Decision : Disposed Of

Judgement

Narasimha Reddy, J

1. The applicant joined the service of Delhi Development Authority (DDA) as Junior Engineer on 07.10.1983. He earned promotions and thereafter

went on deputation to the Municipal Corporation of Delhi (MCD) in the year 2003-04. It appears that irregularities were found against him and

accordingly, he was repatriated back to DDA in April, 2004. A charge memo was issued to him on 24.05.2006 and, that ended in imposition of major

penalty by order dated 08.04.2009.

2. The applicant filed OA No.4029/2015, challenging the order, and through an order dated 05.10.2018, the Tribunal modified the penalty to the one of

â??Censureâ??. It is stated that the applicant was extended the benefit of 2nd MACP on 09.04.2009 and 3rd MACP w.e.f. 15.05.2014. The

grievance of the applicant is that his juniors were extended the benefit of 2nd and 3rd MACPs in the higher scale of pay and on account of differential

treatment accorded to him, he is drawing relatively less pension. He made a

representation on 24.02.2020 in that behalf. This OA is filed with a prayer to direct the respondents to grant him the 2ndMACP w.e.f. 07.10.2007 and 3rd MACP w.e.f. 07.10.2013, on par with his juniors.

3. We heard Sh.Sourabh Ahuja, learned counsel for the applicant and Sh.J.P.Tiwari, learned counsel for the respondents.

4. Basically, we find that the applicant cannot compare himself with his juniors in the context of ACP or MACP. They are personal to each employee.

The question as to whether there exists any deviation in the context of MACP at various stages, needs to be examined by the respondents.

4. We, therefore, dispose of the OA, without expressing any opinion on the merits of the matter, but directing the respondents to pass orders on the

representation dated 24.02.2020, preferred by the applicant, within a period of three months from the date of receipt of a copy of this order.

There shall be no orders as to costs.