
(2019) 12 CAT CK 0002
In the Central Administrative Tribunal
Case No : Original Application No. 321 Of 2014

Pulkit Sah And Ors

APPELLANT

Vs

Chairman, Staff Selection Commission And Ors

RESPONDENT

Date of Decision : 04-12-2019

Acts Referred:

Citation : (2019) 12 CAT CK 0002

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

Bench : Division Bench

Advocate : Deepak Verma, SM Arif

Final Decision : Partly Allowed

Judgement

L. Narasimha Reddy, J

1. The applicants were working as Puncher cum Verifier/Key Punch Operators in the Staff Selection Commission. The post was since re-designated as Data Entry Operator-B (DEO-B). They were extended the benefit of 1st ACP on completion of 12 years of service on 09.08.1999 since they did not get any promotion during that period. In the year 2014, they were granted the benefit of 2nd MACP w.e.f. 01.01.2006.

2. Their grievance is that though they have completed 30 years of service, the respondents did not extend the benefit of the 3rd MACP. This OA is filed, seeking relief in this behalf.

3. The respondents filed the counter affidavit, opposing the OA. It is stated that the 3rd MACP became extendable to the applicants only on completion of 10 years from the date on which they were granted the 2nd MACP, i.e., only in the year 2016. It is stated that by the year 2011, the applicants 1 and 2 were no more in service and in case the applicants 3 and 4 were in service beyond 1.1.2016, they would be entitled for that.

4. We heard Mr. Deepak Verma, learned counsel for the applicants and Mr. SM

Arif, learned counsel for the respondents.

5. The Modified Assured Career Progression Scheme (MACP) was introduced through OM dated 19.05.2009. According to this, an employee would be entitled to be extended the benefit of 1st, 2nd and 3rd MACPs on completion of 10, 20 and 30 years of service respectively, if they did not earn promotion during that period.

6. The applicants are under the impression that the 3rd MACP becomes payable on completion of 30 years of service. The fact of the matter is that there must be a gap of 10 years between each of the progression. The applicants were granted 2nd MACP through order dated 20.11.2014, w.e.f. 1.1.2006. The financial benefit was extendable from the year 2008.

7. The 3rd MACP becomes due for the applicant on expiry of 10 years from 01.01.2006 provided: (a) they were in service during that period; and (b) they did not get any promotion. The 1 st applicant retired on attaining the age of superannuation in the year 2011 and the 2nd applicant took voluntary retirement during that year. Therefore, the question of granting 3rd MACP to them does not arise. In case applicants 3 and 4 continued in service beyond 01.01.2016 and they did not earn promotions, they shall be entitled to be extended the benefit of 3rd MACP.

8. We, therefore, partly allow the OA, directing that in case the applicants 3 and 4 continued in service beyond 01.01.2016, and were not extended any financial upgradation or promotion, they shall be extended the benefit of 3rd MACP, with all consequential benefits. There shall be no order as to costs.