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(2020) 10 CAT CK 0150

In the Central Administrative Tribunal

Case No : Original Application No. 1412 Of 2017

Ramesh Bala Ralli APPELLANT

Vs

Delhi Development Authority & Others RESPONDENT

Date of Decision : 22-10-2020

Acts Referred:

Citation : (2020) 10 CAT CK 0150

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

Bench : Division Bench

Advocate : G.L. Verma, Manisha Tyagi

Final Decision : Dismissed

Judgement

Aradhana Johri, Member (A)

1. The applicant joined the respondent organization as Stenographer on 26.06.1979 and was ultimately promoted to the post of Private Secretary. She

was due for third financial upgradation under MACP Scheme on 26.06.2009 on completion of 30 years regular service. However she was not granted

this financial upgradation since relevant ACRs were below benchmark. She gave representations regarding upgradation of her ACRs on 17.03.2016

and several dates thereafter. The respondents communicated the decision regarding rejection of her representations for upgradation of ACRs vide

their letters dated 18.01.2017 and 17.02.2017. She superannuated on 28.02.2017.

2. It is the contention of the applicant that she was wrongly deprived of her third financial upgradation under MACP Scheme when her juniors were

given the same. She has also stated that since the ACRs for the period 2004-05 to 2007-08 were never communicated to her, they should not be read against her.

3. In support of her contention, the applicant has cited several rulings of the Honâ??ble Apex Court including Sukhdev Singh Vs. Union of India &

Ors. [2013 (9) SCC 566], Abhijit Ghosh Dastidar Vs. Union of India & Ors. [(2009)16 SCC 146] and Dev Dutt Vs. Union of India & Ors. [2008

(8) SCC 725)].

4. The respondents have denied the claims of the applicant. They have stated that the applicantâ??s matter was placed before the Screening

Committee in its meeting held on 21.01.2016 for grant of third financial upgradation under MACP Scheme but since she had not achieved the required

benchmark of â??Very Goodâ?? for the period 2004-05 to 2007-08, she was not considered fit for the same. The Screening Committee also

considered the ACRs for the period 2008-09 to 2013-14 which were also â??goodâ?? and below benchmark. They have further stated that after

obtaining the views of those reporting officer(s) who were still in service, the competent authority decided that there was no ground to review her

ACRs at this belated stage, which decision was communicated to the applicant. They have also stated that during the period of 2004-05 to 2008-09

only adverse ACRs were communicated and good ACRs were not considered under the adverse category, hence there was no provision for

communicating them. The respondents have also pointed out that financial upgradation under MACP Scheme is purely personal to the employee and

has no relevance to the seniority position.

5. Heard Sh. G.L. Verma, learned counsel for the applicant and Ms. Manisha Tyagi, learned counsel for the respondents and perused the records.

6. The Honâ??ble Apex Court in Dev Dutt Vs. Union of India & Ors. (supra) has undoubtedly held that adverse/below benchmark ACRs must be

communicated. After this decision of the Honâ??ble Apex Court, DOP&T issued OM No.21011/1/2005-Estt(A)(Pt.-II) dated 14.05.2009 (Annexure

R-1) for communication of below benchmark ACRs from 01.04.2009 onwards. Therefore, the earlier ACRs in question from 2004-05 onwards need

not have been communicated to the applicant prior to the said judgment of the Honâ??ble Apex Court.

7. On receipt of the representation of the applicant the respondents took the views of whichever reporting officer(s) were still in service and a public

hearing was also accorded to the applicant before the highest authority in the respondent organization, the Vice Chairman, DDA, after which it was

decided to retain the ACRs and reject the request for upgradation. It is also seen that the grounds given by the applicant for upgradation were simply

that lesser or equally intelligent and hardworking colleagues have been given financial upgradation under MACP. Specific and concrete grounds based

on facts have not been given in the said representations. The competent authority duly examined the representations, giving full opportunity to the

applicant, including a public hearing, and rejected the request for upgradation, which cannot be faulted.

9. Financial upgradation under MACP Scheme is purely personal to the employee and has no relevance to seniority. It is also not linked to any

vacancies. The applicant was Private Secretary and certainly in a position to know when her MACP was due. However she did not represent at that

time and took it lying down. It was only when others got MACP that she started representing.

10. The matter for grant of financial upgradation to the applicant was duly considered by the Screening Committee. In fact, it has been stated by the

respondents that the Screening Committee also considered the ACRs for the period 2008-09 to 2013-14, which too, were below benchmark.

11. In light of the above, the OA has no merit and is dismissed. No orders as to costs.