

(2020) 10 CAT CK 0078

In the Central Administrative Tribunal

Case No : Original Application No. 1454 Of 2020

Sangeeta Gupta

APPELLANT

Vs

Govt. Of NCT Delhi & Others

RESPONDENT

Date of Decision : 08-10-2020

Acts Referred:

Citation : (2020) 10 CAT CK 0078

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

Bench : Division Bench

Advocate : Joel, Esha Mazumdar

Final Decision : Disposed Of

Judgement

L. Narasimha Reddy, J

1. The applicant was appointed as Education and Vocational Guidance Counsellor (EVGC) in the Government of NCT of Delhi in the year 1996. She was granted the senior time scale on 03.09.1999 and second Modified Assured Career Progression (MACP) on 01.09.2008. When the applicant and various other EVGCs approached the respondents with a request to extend them the benefit of 3rd MACP on completion of 30 years of service, a memorandum was issued on 24.09.2019 stating that they are not entitled for the 3rd MACP in the Grade Pay of Rs.7600/-. This O.A. is filed challenging the memorandum dated 24.09.2019, in so far it relates to the applicant. Except mentioning that the applicant is not entitled for 3rd MACP, no reason whatever was mentioned in the impugned order.

2. We heard Mr. Joel, learned counsel for applicant. On our request, Ms. Esha Mazumdar, learned counsel assisted the Court on behalf of the respondents.

3. With a view to avoid stagnation of employees in the same post without any promotion, the Government initially introduced a Scheme of Assured Career Progression (ACP), and that was replaced by Modified Assured Career Progression (MACP). Under the latter Scheme, the employee is entitled for the

benefit on completion of 10, 20 and 30 years of service, in case he/she did not earn any upgradation or promotion for want of vacancy even while being eligible. The applicant was extended the benefit of 2nd MACP in the year 2008. On completion of 10 years of service thereafter, the applicant was entitled to extend the benefit of 3rd MACP, in case she did not earn any upgradation or promotion. Had the impugned order stated the reasons for denying the benefit of 3rd MACP, we would have certainly examined the same with reference to the purport of the Scheme. The impugned order simply reads as under:-

"Memorandum

Dated 24.09.2019

With reference to request regarding grant of 3rd financial upgradation under MACP scheme in the Grade pay of Rs.7600/-(pre-revised). The following EVGCs/CICs are hereby informed that they are not entitled for Grade pay of Rs.7600/-(pre-revised) as 3rd MACP as per the existing provisions of DoPT guidelines:-

S.No.

Name of EVGC/CIC

DoB

District

1.

Poonam Gaur (19860507), retd.

05.09.1959

East

2.

Rachna Gupta (19850361)

22.06.1960

North West-B

3.

Jaya Durga Sahota (19860527)

13.06.1962

North West-B

4.

Mithlesh Aggarwal (19850362)

11.05.1961

North West-B

5.

Sadhana Sahasrabudhe (19850349)

10.06.1961

North West-B

6.

Punam Gupta (19850350)

20.02.1962

North West-B

7.

Sultan Singh (19860511) retd. W.e.f.31.08.2019

01.09.1959

West-A

8.

Sangeeta Gupta (19860536)

26.10.1961

East

9.

Narinder Kaur (19860508)

04.03.1962

East

10.

Poonam Gupta (19855062)

04.02.1961

West-A

11.

Minoo Sharma (19850353)

21.10.1961

West-A

12.

Madhu Sethi (19850393)

07.03.1960

South

13.

Meera Kapur (19880603)

02.10.1962

West-B

14.

Utpaula Bhattacharya (19860512)

14.02.1963

West-B

This issued with prior approval of the Competent Authority.

(Rajesh Kumar)

Assistant Director of Education(GOC)"

Not a single reason is spelt out. The applicant has submitted a representation on 05.01.2020. annexed as Annexure A-17, in this behalf.

4. We, therefore, dispose of the O.A. directing the respondents to pass a speaking order on the representation dated 05.01.2020, within two months from today. They shall spell out the reasons as to why the applicant is not entitled for 3rd MACP. There shall be no order as to costs.