



Serial No. 02
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 162 of 2015

Date of Decision: 08.07.2025

Shri. Nikhil Ranjan Paul,
Son of (L) N.K. Paul,
Resident of NEHU Quarter No. T-III (30),
NEHU Campus, Shillong,
East Khasi Hills, Meghalaya.

..... Petitioner

-Versus-

1. North Eastern Hill University (NEHU),
NEHU Campus, Shillong – 793 002,
Meghalaya,
Represented by the Registrar.
2. The Registrar,
North-Eastern Hill University,
NEHU Campus, Shillong – 793 002,
Meghalaya.
3. The Deputy Registrar (Establishment-I),
North-Eastern Hill University,
NEHU Campus, Shillong – 793 002,
Meghalaya.

.....Respondents

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Ms. A. Paul, Sr. Adv. with
Ms. R. Dutta, Adv.

For the Respondent(s) : Mr. S. Sen, SC, NEHU with
Ms. E. Blah, Adv.



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| i) | Whether approved for reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication in press: | Yes/No |
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JUDGMENT

1. Heard Ms. A. Paul, learned Sr. counsel along with Ms. R. Dutta, learned counsel for the petitioner who has submitted that the petitioner herein was serving in the North Eastern Hill University (NEHU) in the capacity of a Technical Assistant in the Department of Information Technology, School of Technology, which is a non-teaching post. The petitioner has initially joined the service on 27.08.1981 and was appointed as Blacksmith in SASRD, NEHU Campus, Medziphema, Nagaland.

2. Thereafter, vide Office Order No.F.18-1/RSG/87-2449 dated October, 1988, the petitioner's post of Blacksmith was re-designated as Technical Assistant (Blacksmithy) with the stipulation that it will be in his own pay and grade and that the qualification and nature of duties will remain unchanged. On such re-designation, his pay was revised from ₹ 1400-2300/- to ₹ 4500-7000/- However, the same was done so w.e.f. 24.11.1988 instead of 27.08.1981, being his date of joining.

3. It is further submitted that vide Office Order F.No.17-27/Estt-I/Per/2000-1660 dated 29.09.2001, the petitioner was given the first financial upgradation under the Onetime Upward Movement (OUM) Scheme and his pay was upgraded to ₹ 5500-9000/- w.e.f. 24.11.1996.

4. Again, it is submitted that as per the 6th Pay Commission recommendation, the Modified Assured Career Progression (MACP) Scheme was brought about to provide for three financial upgradations in the



service career of an employee in an interval of 10, 20 and 30 years respectively. Accordingly, vide Office Order No. F.2.15(A)/CRC/2014/592 dated 07.07.2014, the petitioner was purportedly granted the 3rd financial upgradation under the MACP Scheme with revised pay of PB-2 (9300-34800) + Grade Pay of ₹ 4600/- w.e.f. 27.08.2011.

5. The learned Sr. counsel has submitted that the petitioner was not given his fair due of appropriate financial upgradations under the relevant schemes applicable to his service and what was given to him under OUM and MACP scheme are also inadequate and not in accordance with his entitlement. Hence this petition.

6. To further clarify the situation, the learned Sr. counsel has pointed out that under the UGC Scheme, One Time Upward Movement (OTUM) was available to employees as a financial upgradation, also known as the first financial upgradation (FFU) on their completion of 8 years of service. Again, in August 1999 another scheme known as the Assured Career Progression (ACP) Scheme came into being providing two financial upgradations to an employee on completion of 12 years of service and then on completion of 24 years of service. Finally, the Modified Assured Career Progression (MACP) Scheme came into force on 19.05.2009, wherein is provided that there shall be three financial upgradations under such scheme counted from direct entry grade on completion of 10, 20 and 30 years of service respectively.

7. The first contention raised by the learned Sr. counsel is that the petitioner is entitled to receive the three financial upgradations in his service career, that is, OUM on completion of 8 years of service, thereafter after 12 years, he is to receive his second financial upgradation under the ACP Scheme and finally, his third financial upgradation ought to have been under the MACP Scheme. However, as has been submitted, the petitioner got only



two financial upgradations, that is, one under OUM and the second under the MACP Scheme.

8. The second contention of the learned Sr. counsel is that of the two financial upgradations that was given to the petitioner, they have not been given to him in accordance with the manner in which they ought to have been given, particularly as regard the point of time they were given, which was beyond the period stipulated for the same. For example, the OUM was given to him w.e.f. 24.11.1996 after 15 years of service when he was actually due to get the same w.e.f. 27.08.1988, 8 years after his date of appointment.

9. The learned Sr. counsel went on to submit that at the time the post of the petitioner was re-designated from that of 'Blacksmith' to 'Technical Assistant (Blacksmithy)', the payscale was revised from ₹ 1400-2300/- to ₹ 4500-7000/-. This was done across the board and as such, re-designation does not mean upgradation or any financial upgradation given to the petitioner. Even then, this revised payscale was given to the petitioner w.e.f. 24.11.1988 instead of 27.08.1981, the day the petitioner joined service.

10. Again, it is submitted that in the scheme of things, the petitioner ought to have received his first financial upgradation under OUM after 8 years of service, that is, on 27.08.1989, in the payscale of ₹ 5500-9000/-. But instead, he was given OUM only w.e.f. 24.11.1996, after 15 years of service.

11. Now, since the ACP Scheme came into being, after 12 years of service, the petitioner ought to have been given the 2nd financial upgradation to the next higher payscale of ₹ 8000-13500/-. However, the same was not given to him, instead the respondent authorities have then given another financial upgradation vide Office Order dated 07.07.2014 terming it as the 3rd MACP with payscale of PB-2 (9300-34800) + Grade Pay of ₹ 4600/- w.e.f. 27.08.2011, when it should have been the 2nd financial upgradation.



12. To strengthen the case of the petitioner, the learned Sr. counsel has also referred to Annexure-5 at page 24 of the petition wherein is found a proforma of “*Individual Employee Details For Consideration Under ACP Scheme*” and the same pertaining to the petitioner, after noting all the service details, the remarks at the bottom is of significance which bears the stamp of the Registrar or Appropriate Authority, NEHU, reading as follows:

“He is entitled to receive OTUM in the scale of Rs. 2000-3500/- (6500-10500/-) w.e.f. 27.08.89 as the STA’s who joined upto 08.04.98 were given the scale of Rs. 6500/-105600/- instead of Rs. 5500/- 9000/- which was wrongly given to Sh. N.R. Paul w.f. 24.11.1996 He also eligible to get second financial upgradation under ACP in the scale of Rs.8000-13500/- w.e.f. 27.08.2005.”

13. In view of what has been contended, the learned Sr. counsel has submitted that the petitioner is entitled to the following financial upgradations, given and some not given, but nevertheless upon the same given, as and when it is due with proper pay fixation, the petitioner ought to have been given such financial upgradations as follows:

Petitioners Entitlement			
Date		Corresponding pay under the 5 th CPC	Corresponding pay under the 6 th CPC
27.08.81	Initially joined as Blacksmith subsequently designated as Technical Assistant in the pay scale of Rs. 1320-2040	4500-6000	5200-20200 +GP 2800
27.08.89	First Financial Upgradation: On completion of 8 years service under OTUM	6500-9000	9300-34800 +GP 4600
27.08.2001	Second Financial Upgradation: On	8000-13500	9300-34800



	completion of next 12 years service under ACP		+GP 5400
27.08.2011	Third Financial Upgradation: On completion of next 10 years service under MACP	10,000-15,200	15,600-39100 +GP 6600

Upgradations granted/to be granted by the Respondents			
Date		Corresponding pay under the 5 th CPC	Corresponding pay under the 6 th CPC
27.08.81	Initially joined as Blacksmith subsequently designated as Technical Assistant in the pay scale of Rs. 1320-2040	4500-6000	9300-34800 +GP 4200
24.11.96	First Financial Upgradation:	5500-9000	9300-34800 +GP 4200
27.08.2011	Second Financial Upgradation:	6500-9000	9300-34800 +GP 4600
	Third Financial Upgradation:	Not entitled On the ground that the financial upgradation granted w.e.f. 27.08.2011 is 3 rd and last financial upgradation.	

14. Per contra, Mr. S. Sen, learned Standing Counsel for the respondent NEHU in his reply, has admitted that three schemes mentioned herein are relevant inasmuch as OUM(OTUM) was holding the field till August 1998, when the ACP Scheme came into force in August, 1999 and finally, the



MACP Scheme which came in the year 2009. These schemes were primarily meant for central government employees and what the schemes postulates is a situation where financial upgradations at relevant period are given to an employee who meet the stipulated criteria.

15. However, if an employee has received previous financial upgradation, the next financial upgradation will be counted and adjusted on his being eligible under the prevailing scheme. For example, if he has received one financial upgradation under the OUM scheme, he will then be eligible for only one upgradation under the ACP scheme at the relevant point of time and perhaps only one under the MACP scheme if that brings up three financial upgradations in his service career.

16. It is the further submission of the learned Standing Counsel that when the MACP Scheme came into being in the year 2009 vide Office Memorandum dated 19.05.2009, the same was also extended by the UGC to make it applicable to all non-teaching employees of Central Universities, including NEHU, vide communication dated 09.07.2010 by the Chief Statistical Officer addressed to the Registrar, NEHU. However, while implementing the said MACP Scheme, UGC has also laid down certain conditions, inter alia, at clause VI which reads as follows:

“VI. It is to be ensured that in case of any promotion, personal promotions, time bound promotions (One Upward Movement/Second Upward Movement), in-situ promotions, any upgradations, any club structuring scheme, personal pay scales schemes, any restructuring of cadres, implementation of local cadre review committee recommendations, any large scale/mass stepping up exercise etc. carried out by the Universities in the past (before 8.4.1998 and thereafter financial upgradation awarded under ACP Scheme of 9.8.1999, if any) resulting into financial benefits of higher pay scales have to be adjusted against the MACP Scheme.”

17. What is stipulated under clause VI is that while calculating the period



for grant of financial upgradation under the MACP Scheme, amongst others, if there has been career restructuring in the service of an employee, that too will be taken into account while computing the period of entitlement, that is, 10, 20 and 30 years of service from the date of initial appointment, further submits the learned Standing Counsel.

18. As to the case of the petitioner, the learned Standing Counsel has submitted that he joined service on 27.08.1981 in the post of Blacksmith with his payscale being ₹ 260-350/- (under the 3rd CPC) with revised pay under the 5th CPC being ₹ 3050-4590/-. On his post being re-designated to Technical Assistant (Blacksmithy), instead of getting the corresponding payscale of ₹ 3050-4590/-, he was given financial upgradation in the payscale of ₹ 4500-7000/- w.e.f. 24.11.1988, this was done so vide order dated 29.09.2001. In the same order dated 29.09.2001, the petitioner was also given the next financial upgradation under upward payscale of ₹ 5500-9000/- (5th CPC) w.e.f. 24.11.1996, that is, 8 years from the date his post was re-designated. Finally, the petitioner was given the 3rd financial upgradation under the MACP scheme with payscale of PB-2 (9300-34800) + Grade Pay of ₹ 4600/- w.e.f. 27.08.2011 on his completion of service of 30 years. As such, he has thus received all the three financial upgradation entitled by him and therefore this petition being devoid of merits, is liable to be dismissed submits the learned Standing Counsel.

19. This Court on consideration of the case of the respective parties presented herein is made to understand that the grievance of the petitioner is with regard to his deprivation of the financial upgradations he is entitled to and which is due to be given to him at specific point of time in his service career, the same being relatable to the benefits under the OUM scheme, the ACP and the MACP scheme respectively.



20. The petitioner has admitted that his initial post of Blacksmith was subsequently re-designated as Technical Assistant (Blacksmithy), however the same would be in his own pay and grade. His core payscale would be ₹ 1400-2300/- as is evident from the order dated 29.09.2001 (supra). The same was revised to ₹ 4500-7000/- w.e.f. 24.11.1998 but according to the petitioner it should have been w.e.f. 27.08.1981, the day he joined service.

21. The respondent/NEHU on the other hand, at para 4 of their affidavit-in-opposition has maintained that on his post being re-designated to Technical Assistant he was given a higher payscale of ₹ 975-1540/- (4th CPC)/₹ 3200-4900/- (5th CPC) which was made applicable to him from the date of his joining, that is, 27.08.1981. Subsequently, he was given the next financial upgradation under the OUM (OTUM) scheme w.e.f. 27.08.1989 with his payscale revised to ₹ 1320-2040/- (4th CPC)/₹ 4000-6000/- (5th CPC).

22. In the same para 4 of the said affidavit-in-opposition, the respondent/NEHU has stated that “...*the Writ Petitioner appointed in the initial scale of pay of Rs. 3050-4590 (5th CPC) was replaced with the pay scale of Rs. 3200-4900 (5th CPC) was granted the scale of Rs. 4000-6000/- (5th CPC) on 27.08.1989 and thereafter allowed the scale of pay of Rs. 4500-7000 (5th CPC) w.e.f. 24.11.1988...*”. It was asserted that the writ petitioner within a span of 7 years has reached the scale pay of ₹ 4500-7000/- from his initial scale of ₹ 3050-4590/- which has to be considered as a financial benefit or financial upgradation bestowed upon him.

23. This Court has carefully analysed the facts and circumstances available on record. It would appear that the controversy revolves around the area of calculation, particularly as regard the payscale due and entitled to by the petitioner vis-à-vis the three schemes of financial upgradation applicable



to his case.

24. However, the core issue that could be made out herein is the controversy as regard the pay fixation and payscale granted to the petitioner at the time when his post of “Blacksmith” was re-designated to that of “Technical Assistant” w.e.f. 24.11.1988. As has been pointed out, at the time of his appointment on 27.08.1981 the petitioner was entitled to the payscale of ₹ 3200-4900/- (5th CPC). On the post being re-designated, eventually he was granted the payscale of ₹ 4500-7000/- w.e.f. 24.11.1988. As was contended by the learned Standing Counsel/NEHU, this Court would also agree that within 7 years of his service, there was a manifold increase in his payscale which is not in the normal course of usual increment. Therefore, it is, but proper to say that the petitioner has been granted the benefit of financial upgradation in the year 1988.

25. Again, as per the order dated 29.09.2001 the petitioner is seen to have been granted another financial upgradation in the form of OUM effective from 24.11.1996, that is, 8 years from 24.11.1988, the day his post was re-designated to Technical Assistant. As such, the contention of the respondent/NEHU that this is the second financial upgradation is also found justified.

26. Finally, that the petitioner was granted another financial upgradation under the MACP scheme with his pay being revised to PB-2 (₹ 9300-34800/-) + GP of ₹ 4600/- w.e.f. 27.08.2011 has also been correctly granted to him.

27. It may not be out of place to mention that the alleged recommendation made by the Registrar, NEHU, annexed at page-24 of the petition as Annexure-5 will have no bearing on the merits of the case of the petitioner, since the same remained recommendation, if at all, and no formal order was passed by the competent authority, that is, the Vice Chancellor in furtherance



thereof.

28. Therefore, in view of the above, this Court is convinced that the petitioner has not been short-charged as far as his financial benefits in course of his employment is concerned, and as such, no case is made out for interference by this Court.

29. The petition being devoid of merits is hereby dismissed as such.

30. Petition disposed of. No costs.

Judge