

**HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.24910 of 2014 (O&M)

Date of Decision: 30.07.2015

Raj Pal

... Petitioner

VS.

Union of India & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE P.B. BAJANTHRI

Present: Mr. Madan Mohan, Advocate for the petitioner
Mr. Namit Kumar, Advocate for respondents No.1 to 4

SURYA KANT, J. (Oral)

(1) The challenge in this writ petition is to the order dated 14.11.2014 passed by Central Administrative Tribunal, Chandigarh Bench, Chandigarh (in short, 'the Tribunal') whereby it has rejected the claim of its own employee who is working as a Photocopier, for the re-fixation of his pay on the grant of MACPS vide order dated 02.01.2012 (A3).

(2) While granting the financial upgradation under MACPS in the grade pay of Rs.4600 w.e.f. 01.09.2008, the competent authority directed that the petitioner may exercise his option for fixation of his pay under FR-22

The petitioner's grievance is that the methodology adopted by the authorities while fixing his pay under FR-22 is erroneous.

(3) The Tribunal by way of a brief order dated 14.11.2014 (P7) has rejected the petitioner's claim by relying upon the provisions of MACPS itself.

(4) We have heard learned counsel for the parties and gone through the relevant record.

(5) It appears to us that once the Tribunal acknowledged the fact that FR-22 read with Government of India Order No.1 are relevant and shall apply for the fixation of pay of petitioner, paragraph (1) Clause (i) of the Government of India Order to the effect that *“however, if the pay in the pay band after adding the increment is less than the minimum of the higher pay band to which promotion is taking place, pay in the pay band will be stepped to the minimum”* would also apply with equal force.

(6) Whether or not the aforesaid provision has been correctly construed and adhered to is a question of fact.

(7) Since the order passed by the Tribunal does not answer the aforesaid question which otherwise has a direct bearing on the merits of the case, we set aside its order dated 14.11.2014 (P7) and remit the case for afresh adjudication in accordance with law and in the light of the above-reproduced Clause of the Government of India Order.

(8) Parties are directed to appear before the Tribunal on 24.08.2015.

(9) Ordered accordingly.

(Surya Kant)
Judge

30.07.2015
vishal shonkar

(P.B. Bajanthri)
Judge