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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C)10371/2015**

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Judgment dated 4th November, 2015

UNION OF INDIA & ANR

..... Petitioners

Through : Mr. Arun Bhardwaj with Mr. Rishi Kapor
and Ms. Gunjan Bansal, Advocates

versus

ALL INDIA CPWD OFFICE STAFF ASSOCIATION & ORS.

..... Respondents

Through : Mr. S.K. Gupta, Advocate

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J (ORAL)

CM APPL.25960 /2015

1. Exemption allowed subject to all just exceptions.
2. Application stands disposed of.

W.P.(C).10371/2015

3. In an OA filed by the respondents, the following order was passed by the Central Administrative Tribunal:

“Learned counsels for the parties are ad idem that the controversy involved in the present Original Application is, in all fours, of the decision of Hon’ble Punjab & Haryana High Court in Union of India & others v. Raj Pal & another (CWP No.19387/2011) decided on 19.10.2011.

2. In view of the aforementioned stand taken by the parties, the Original Application is disposed of with direction to the respondents to extend the benefit of the said judgment of Hon’ble Punjab & Haryana High Court to the applicants herein also within a period of twelve weeks from the date of receipt of a copy of this Order. No costs.”

Signature Not Verified
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By:AMULYA

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4. Mr. Bhardwaj submits that in fact the controversy in question is not covered by the decision of Punjab and Haryana High Court in the case of *Union of India & Ors. v. Raj Pal & Another*, [CWP.19387/2011] decided on 19.10.2011. Counsel submits that as per the ACP scheme which was introduced in the 1999, an employee would be entitled to next financial upgradation after 12 and 24 years service. However, under the MACP scheme which was introduced in the year 2008, an employee is eligible to financial upgradation after 10, 20 and 30 years service. Counsel submits that between the two schemes, the basic difference is that the MACPS envisages placement in the immediate next higher grade pay in the hierarchy of the recommended revised pay bands and grade pay as given in Section 1, Part-A of the first schedule of the CCS(Revised Pay) Rules, 2008, whereas under the ACP scheme the financial upgradation corresponds to the next promotional post pay scale. Counsel submits that this distinction has been ignored by the Tribunal although a specific averment was made by the petitioners(respondents) before the Tribunal in the counter affidavit.
 5. Learned counsel for the respondents enters appearance on advance copy and submits that this issue was not pressed before the Tribunal which is evident upon the reading of the aforesaid order.
 6. Be that as it may, the writ petition is disposed of with the agreed terms with the liberty to the petitioners to make an application seeking a review of the order dated 15.09.2014 before the Tribunal. It is also agreed that in case a review application is filed within two weeks from today, the respondents would not raise the plea of limitation.
 7. The writ petition stands disposed of in above terms.
 8. The contempt would become infructuous in view of the orders passed above.

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CM.APPL 25959/2015(stay)

9. Applications stand disposed of in view of the order passed in the writ petition.
10. Dasti to the parties under the signatures of Court Master.


G.S.SISTANI, J


SANGITA DHINGRA SEHGAL, J

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NOVEMBER 04 , 2015

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