

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.2467 of 2015 (O&M)
Date of Decision:-17.11.2016.

Navin Chandra

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Rajeev Anand, Advocate for the petitioner.

Ms. Balwinder Kaur, Senior Panel Counsel for
respondents-Union of India.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, the petitioner has questioned the Office Memorandum dated 27.10.2014 by which his grievance relating to counting of service from 21.9.1989 for the purpose of grant of second MACP has been rejected.

The petitioner initially joined as a Constable/Nursing Assistant on 21.9.1989. Subsequently, she was freshly appointed to the post of Naik/Medic on 16.10.1993. The post of Naik/Medic was merged with the post of Head Constable in the month of October, 1997. Thereafter, due to acquisition of Diploma in Pharmacy qualification, the petitioner was eligible to be appointed as an Assistant Sub-Inspector/Pharmacist.

Accordingly, she was appointed on 11.2.2006 on the said post. The

respondents introduced ACP and MACP Scheme on 6.8.1999 and 19.5.2009, respectively. In this backdrop, the petitioner is entitled to second MACP from what date is the question. Whether the service rendered as Constable from 21.9.1989 to 16.10.1993 could be taken into consideration for the purpose of grant of MACP or not? Admittedly, the post of Constable/Nursing Assistant is a lower cadre than the Naik/Medic equivalent to Head Constable. Therefore, the service rendered in a lower cadre of Constable/Nursing Assistant from 21.9.1989 to 16.10.1993 cannot be counted even though the petitioner has technically resigned the post for the reasons that the object of introduction of MACP Scheme is to see that an employee who has been stagnated for 10/20/30 years continuously from the entry grade such persons are entitled for MACP. In other words, who were stagnated in particular cadre. In the present case, petitioner's case is that she was appointed as a Constable on 21.9.1989 and intervening service i.e. Constable to higher cadre is to be counted which is not permissible under MACP Scheme. Thus, there is no infirmity in the impugned Office Memorandum dated 27.10.2014 (Annexure P-9).

Petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

November 17, 2016.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.