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

+ W.P.(C) 4480/2016 and CM No. 18685/2016 (stay)

UNION OF INDIA & ORS.

..... Petitioners

Through

Mr. R. V. Sinha, Mr. R. N. Singh and
Mr. A. S. Singh, Advocates

versus

VIKAS BHUTANI & ORS.

..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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28.02.2017

This writ petition impugns the order dated 11.09.2015 whereby O.A. No. 101/2015 filed by Vikas Bhutani, Mukesh Kumar and Sunil Kumar, the respondents herein, has been allowed.

2. The Modified Assured Career Progression (MACP) Scheme was introduced by office memorandum dated 19.05.2009 with retrospective effect from 01.09.2008.

3. The respondents were appointed as Mechanical Skilled between the period 1998 to 2002. On completion of 10 years of regular service in the same Grade Pay/pay scale, they were entitled to first financial upgradation under the MACP Scheme. To this extent there is no dispute.

2. The dispute is whether the respondents should be granted immediately next higher Grade Pay as per the First schedule Part A,

Section-I of the first schedule of Central Civil Service (Revised Rules) 2008 or the Grade Pay applicable to the next promotional post.

3. The Tribunal in the impugned order relying upon the decision of the Punjab & Haryana High Court has held that the respondents would be entitled to the pay scale/Grade Pay as applicable to the next higher promotional post of Machinist (Highly Skilled Grade-II) in PB-1 plus Grade Pay of Rs.2400.

4. The Delhi High Court in several cases including the **W.P.(C) No. 9266/2015**, the **Govt. of NCT of Delhi & Anr. Vs. S. K.Saraswat & Ors.** has opined that grant of financial upgradation as per the MACP Scheme is not linked with the pay scale in the promotional post. The MACP scheme entitles and envisages grant of the next higher grade pay as per the First Schedule of the aforesaid Rules and not the pay scale applicable in case of promotion.

5. In view of the aforesaid, the present writ petition is allowed and the impugned order dated 11.09.2015 is set aside. OA No.101/2015 filed by the respondents would be treated as dismissed. There would be no order as to costs.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

FEBRUARY 28, 2017

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