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

+ W.P.(C) 6315/2018 & C.M. No. 24269/2018

UNION OF INDIA & ORS Petitioners
Through: Mr. A.S. Dateer, Advocate.

versus

GOPAL KRISHNA & ORS Respondents
Through: Ms. Meenu Maini, Advocate.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **04.10.2018**

1. The petitioners/UOI are aggrieved by the order dated 03.10.2017, passed by the Central Administrative Tribunal allowing the Original Application filed by the three respondents herein on the aspect of entitlement of the 3rd MACP on completion of 20 years of service from the date of their first promotion or, on completion of 30 years from the date of their initial appointment.
2. By the impugned order, the Tribunal has quashed and set aside the orders passed by the petitioner/Northern Railway dated 01.10.2012, in the case of each of the respondents and relying on the decision of a full Bench of the Tribunal dated 23.5.2016 in O.A. No. 1288/2014, wherein it was held that the benefit under the 3rd MACP shall be granted to the employees on completion of 20 years reckoned from the date of their first promotion, the petitioners were directed to pass the consequential orders within three months reckoned from 03.10.2017.

3. On the last date of hearing, learned counsel for the respondents had stated that the impugned order dated 03.10.2017 does not require any interference as the said dispute has already been examined by the Principal Bench of Central Administrative Tribunal, Delhi, in the order dated 23.5.2016 passed in **O.A. No. 1288/2014** entitled Smt. Manju Vashistha & Ors. vs. UOI & Ors. Aggrieved by the order dated 23.05.2016, the UOI had filed a writ petition before the High Court registered as W.P.(C) No. 11826/2016. Vide judgment dated 03.2.2017, the said petition was dismissed by a Co-ordinate Bench of this Court. A copy of the judgment dated 03.2.2017 has been handed over and taken on record with a copy furnished to learned counsel for the petitioner.

4. On examining the said judgment dated 03.02.2017, in the case of Manju Vashistha and Ors. vs. UOI & Ors., we had inquired from learned counsel for the petitioner as to whether UOI had taken any steps to assail the said judgment by approaching the Supreme Court and if a SLP had been filed, what was the decision taken. Learned counsel for the petitioner had sought time to obtain instructions in this regard.

5. Today, learned counsel for the petitioners hands over a copy of the order dated 06.10.2017, passed by the Supreme Court in a SLP entitled “UOI & Ors. Vs. Manju Vashistha & Ors.”, which reveals that the matter was adjourned at the request of the learned counsel for the petitioners/UOI and thereafter, has not been listed. Learned counsel for the petitioners states that the SLP is likely to be listed before the Supreme Court in the month of November, 2018.

6. Since the Supreme Court has yet to hear learned counsel for the petitioners/UOI in the captioned SLP, the question of any interim order staying the operation of the judgment dated 03.2.2017, passed by the High Court does not arise. The fact situation of the present petition being the same, this Bench being a coordinate Bench, does not propose to take a different view from the one expressed in the judgment dated 03.2.2017, in the case of Manju Vashistha (supra) wherein it has been held that the respondents in the said petition having completed 20 years of service, were entitled for grant of 3rd MACP benefit and the clarification issued by the DoPT by way of frequently asked questions (FAQs) in MACP Scheme dated 01.4.2011, as mentioned in para 4 of the said judgment, was found to be erroneous.

7. On principles of parity of law and facts, it is deemed appropriate to uphold the impugned order. Accordingly, the present petition is dismissed as meritless along with the pending application.

HIMA KOHLI, J

REKHA PALLI, J

OCTOBER 04, 2018

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