

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19724 of 2021

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Mani Devi W/o Late Shiv Shankar Sharma Resident of Village and P.O.-
Barharwa, P.S.- Majorganj, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Water Resources, RD and GR, Shram Sakti Bhawan, Rafi Marg, New Delhi.
2. The Secretary, Central Water Resources, New Delhi.
3. The Under Secretary to the Government of India, Ministry of Water Resources, River Development and Ganga Rejuvenation, New Delhi.
4. The Under Secretary, (O and M), Government of India, Central Water Commission, Sewa Bhawan, New Delhi.
5. The Chief Engineer, Lower Ganga Basin Organisation, CWC, 177-B, S.K. Puri, Patna.
6. The Superintending Engineer (C), Central Water Commission, Lower Ganga Basin Organisation, 177-B, Sri Krishnapuri, Patna-1.
7. The Asstt. Engineer, Central Water Commission, Middle Ganga Division- 4, Arya Kumar Road, Rajendra Nagar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Hemant Kumar Karan, Advocate
		Mr. Jayant Kumar Karn, Advocate
For the UOI	:	Mr. Sujeet Kumar Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 30-11-2022

Heard learned counsel for the respective parties.

2. The short question for consideration is whether
petitioner is entitled to 3rd MACP or not?

3. The petitioner was initially appointed as a casual
labourer in the year 1972. Thereafter, he was brought on Ad-hoc



service with effect from 15.06.1980. Further, his services were regularized with effect from 29.03.1985 and regularization has been given effective from 01.03.1984 and he has attained age of superannuation and retired from service on 30.06.2012.

4. The MACP scheme was introduced vide official Memorandum dated 19th May, 2009 (Annexure-R/1). The said scheme is effective from 01.09.2008. In this backdrop, the petitioner has been extended 1st and 2nd MACP. Further, 3rd MACP has been denied on the score that he is not a regular holder of the post for a continuous period of 30 Years. Of course, his claim is that Ad-hoc service from 15.06.1980 is required to be taken into consideration for the purpose of counting 30 years. Such contention cannot be appreciable for the reasons that para-2 of the MACP scheme dated 19th May, 2009 reads as under:-

“2. The Government has considered the recommendations of the Sixth Central Pay Commission for introduction of a MACPS and has accepted the same with further modification to grant three financial upgradations under the MACPS at intervals of 10, 20 and 30 years of continuous regular service.”



5. Reading of the aforesaid criteria, it is crystal clear that at intervals of 10, 20 and 30 years of continuous regular service. In the present case, petitioner's regular service commences with effect from 01.03.1984 till 30.06.2012. Therefore, rightly the respondent Department have denied 3rd MACP to the petitioner. Hence, the petitioner has not made out a case.

6. In view of these factual aspects letter dated 06.02.2015 of the Respondent & Order dated 27.11.2019 passed by the CAT, Patna Bench in O.A. No. 765 of 2016 are upheld.

7. Accordingly, petition stands dismissed.

(P. B. Bajanthri, J)

(Purnendu Singh, J)

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AFR/NAFR	N.A.F.R
CAV DATE	N.A.
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