



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2087 OF 2022

(Union of India and others...Vs... Satish Dhandeo Karmarkar and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. S.A. Chaudhari, counsel for petitioners,
Mr. M.G. Burde, counsel for respondent Nos 1 and 3.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : FEBRUARY 26, 2024

Heard.

2. Vide order dated 20.3.2019 in O.A. No. 511/2015, the Central Administrative Tribunal ("Tribunal") has set aside the impugned order dated 20.5.2015, issued by petitioner No. 3, granting third financial up-gradation to the respondent No. 1 – employee and also the order dated 23.1.2011, granting first and second financial up-gradation to the respondents – all the employees and further respondent Nos. 1 and 2 were granted benefit of first ACP from 9.8.1999 and for applicant No. 3 from 9.7.2001.

3. The learned Tribunal has further held that the original applicant Nos. 1 and 2 should also be granted benefit of second MACP from 1.8.2008 and third MACP after completion of 10 years from the date of grant of the second MACP. The original

applicant No. 3 was also directed to be granted the benefit of second MACP from 9.7.2009, however, he was not held entitled for grant of third MACP because of his promotion as Leading Fireman on 1.11.2014. The Tribunal has further observed that the arrears be paid to the respondents – original applicants without interest.

4. The contention of learned counsel Mr. S.A. Chaudhari is that while questioning the aforesaid orders, the posting of original applicants from the category of Darban to that of Leading Fireman – Grade II amounts to promotion as there is increase in Pay-Band, and as such, the respondents are not governed by the provisions of MACP.

5. The aforesaid issue has been dealt with by the learned Tribunal. The Tribunal has held that both these posts i.e. Darban and Fireman Grade II are group-D posts and transfer from the post of Darban to that of Fireman-Grade II will not amount to promotion.

6. The learned counsel for the petitioner when confronted, is unable to overcome the aforesaid issue. The Tribunal in detailed has considered the entire gamete of the matter and passed well reasoned order recording finding about the entitlement of respondents employees to the MACP.

7. In that view of the matter, in absence there been any illegality or material irregularity in offering MACP to respondents employees, we see no reason to interfere in writ jurisdiction.

8. The petition stands dismissed.

(ABHAY J. MANTRI, J.) (NITIN W. SAMBRE, J.)