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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 9713/2021

MR HARISH KUMAR PRUTHI

..... Petitioner

Through: Ms. Jasvinder Kaur, Adv.

versus

UNION OF INDIA & ORS.

..... Respondent

Through: Ms. Anju Gupta and Mr. Roshan Lal
Gupta, Advocates.

Mr. Ravi Prakash and Mr. Farman
Ali, Advs. for UOI.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

13.05.2024

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1. The present petition under Articles 226 & 227 of the Constitution of India seeks to assail the order dated 16.02.2021 passed by the learned Central Administrative Tribunal (Tribunal) in Original Application (OA) No. 1156/2018. Vide the impugned order, the learned Tribunal has rejected the petitioner's application for grant of third MACP by noticing the fact that the petitioner had already been granted the benefit of one upgradation under the ACP scheme and one promotion besides being granted one upgradation under the Non Functional Upgradation (NFU) scheme in the year 2006. The learned Tribunal, therefore, came to the conclusion that the petitioner having obtained



three upgradations was not entitled for grant of any benefit under the MACP scheme.

2. The relevant extracts of the findings of the learned Tribunal read as under:

“6. The claim in this OA is only for benefit of 3rd MACP. The applicant was extended the benefit of 1st ACP, and one promotion, by the time, the scheme of MACP came into force. Unlike in the case of ACP, any upgradation and not necessarily promotion, would offset the career progression through the MACP. It is not in dispute that the applicant got NFU in the year 2006 after four years of service in the Grade Pay of Rs. 4,800/-, and he was put in the Grade Pay of Rs. 5400/-. When such is the phenomenal increase in his pay, the occasion to extend the benefit of MACP does not arise at all. The uncertainty which prevailed as to whether MACP can be offset only through regular promotion or any other financial upgradation was put at rest by the Hon’ble Supreme Court. It was held that in whatever form upgradation would offset MACP.”

3. Learned counsel for the petitioner submits that since the benefit of Non Functional Upgradation (NFU) is payable after four years of service in the relevant grade as against MACP which is applicable after ten years of service, the same should be excluded for the purposes of considering the petitioner’s entitlement under the MACP scheme.
4. Having considered the submissions of the learned counsel for the petitioner, we are unable to find any infirmity in the impugned order. The purpose of MACP is only to ensure that an employee does not



stagnate in the same scale for more than ten years. It is the petitioner's own case that the petitioner has already been granted the third upgradation by way of NFU. We, therefore, fail to appreciate as to how the petitioner's claim for 3rd MACP was maintainable. We are, therefore, of the considered view that the learned Tribunal was, justified in rejecting the petitioner's claim for benefit of 3rd MACP.

5. We, therefore, find no merit in the writ petition, which is accordingly dismissed.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 13, 2024

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