

**CWP-2840-2016****2**

taking contradictory stand as, once, the similarly situated employees have been given 2nd and 3rd MACP on central pattern, non-grant of the same to the petitioner is incorrect and the Tribunal has also failed to consider the said order though the same was already placed on record.

3. Learned senior counsel appearing on behalf of the respondents submits that as per his instructions, the benefit has been extended to the similarly situated employees for the grant of 2nd and 3rd MACP on central pattern vide order dated 16.10.2010 but the same was incorrect and inadvertently given and therefore, no claim can be raised upon a benefit which has been extended wrongly to the similarly situated employees.

4. We have heard learned counsel for the parties and have gone through the record with their able assistance.

5. The only claim of the petitioner is that rather than giving him 2nd 3rd MACP on Punjab pattern, the same should be given on central pattern as extended to the similarly situated employees.

6. The question which arises is whether, the petitioner can be granted the said benefit in the facts and circumstances of the present case. The order passed by the respondents themselves, copy of which has been brought on record, granting the benefit to the similarly situated employees is as under:-

“ No. CPDO (NR)/CH/2010/

Govt. Of India

Ministry of Agriculture

Deptt. Of All, Dairying and Fisheries.

Central Poultry Development Org. (NR),

Industrial Area, Chandigarh-2.

Dated, Chandigarh the 16.08.2016

CIRCULAR



CWP-2840-2016

3

The following officials are hereby informed that the competent authority has approved for the grant of 1st/2nd/3rd MACP on Central pattern w.e.f. the dates mentioned against them:-

1. Jaswant Singh, Farm Manager 01.09.2008 (30 yrs)
2. B.D. Sharma, Cashier 01.09.2008 (30 yrs)
3. Inder Kumar, Jr. Steno 11.04.2010 (20 yrs)
4. Renu Bala, LDC 16.09.2009 (20 yrs)
5. Neelam, LDC 19.02.2010 (20 yrs)
6. Chaman Parkash, LDC 09.08.2009 (20 yrs)
7. Vinod Kumar, Ref. Mechanic 01.09.2008 (30 yrs)
8. Gurinder Singh -do - 01.09.2008 (20 yrs)
9. Janak Singh, Driver 21.10.2009 (10 yrs)
10. Anil Kumar, P. Attendant 01.09.2008 (20 yrs)
11. Harbhajan Singh, - do- 26.08.2009 (20 yrs)
12. Bihari Lal – do- 24.08.2009 (20 yrs)
13. Mohinder-3 – do - 01.09.2008 (10 yrs)
14. Piar Chand, -do - 01.09.2008 (10 yrs)
15. Champa Devi, Peon 04.11.2009 (10 yrs)
16. Balwant Singh, Ex.Farm Mgr. 01.09.2008 (30 yrs)
17. Piare Lal, 01.09.2009 (30 yrs)
18. Shakti Chand, P. Attendant 24.08.2009 (20 yrs)
19. Chander Dev, -do- 31.08.2009 (20 yrs)
20. Vijay Singh, Lab Attendant 01.09.2008 (30 yrs)
21. Matbar Singh, Peon 01.09.2008 (30 yrs)
22. Raj Kumar, Lab Attendant 01.09.2008 (20 yrs)

7. A bare perusal of the above reproduction would show that the respondents themselves have granted the benefit of 1st, 2nd and 3rd ACP on central pattern to the similarly situated employees and that too with retrospective effect.

8. Once the said benefit was granted, why the petitioner was not granted the same, remains the question. When everyone is granted the benefit of 2nd and 3rd MACP on central pattern, the same should have been extended to the petitioner as well.

**CWP-2840-2016****4**

9. Learned senior counsel for the respondents argues that the benefit was wrongly granted to 22 persons and now, show cause notices will be issued to them to refix their benefits.

10. It may be noticed that the said benefits were extended to the similarly situated employees 15 years ago. It is also a conceded position that almost all the employees have already retired, who were extended the said benefit.

11. Once, the employees to whom the benefit was extended on central pattern have already retired, after a period of 15 years, their salary cannot be refixed so as to contend that the benefit should not be extended to the petitioner.

12. Further, it is also a conceded position before this Court during the argument that number of employees to whom the benefit was given, have already expired after their retirement. Once, even the employees have retired and expired, the contention that show cause notice will be given to them to withdraw the said benefit, is not feasible and cannot be accepted. Rather than giving benefit to a single person, the respondents are projecting that they will withdraw the benefit from 22 persons and that too after 15 years coupled with the fact that such persons have not only retired but number of them have already died hence, the said objection cannot deny the benefit to be given to the petitioner qua 2nd and 3rd MACP on central pattern. The Tribunal, though the said fact was on record, has not dealt with the same.

13. Granting the benefit to large number of employees of MACP on central pattern and denying the same to the petitioner will amount to discrimination between the similarly situated employees. Hence, even the Tribunal has not assessed the issue from the said angle as well.

**CWP-2840-2016****5**

14. Keeping in view the totality of the circumstances, once it is a conceded position that the benefit of MACP has been given to the similarly situated employees on central pattern and that too from a date when the petitioner was in service, the same benefit has to be extended to the petitioner as well.

15. The order dated 22.04.2015 (Annexure P-5) passed by the Tribunal is set aside. The respondents are directed to grant the petitioner the benefit of 2nd and 3rd MACP on central pattern and re-fix his salary and thereafter, grant him the benefit of arrears as well. However, the arrears of the said re-fixation, will only be granted from the year 2013 onwards when the petitioner had filed OA No.515/PB of 2013. Even the revised pensionary benefits will be extended to the petitioner in case his pay stands revised on the date of his retirement and the arrears of pension will also be given keeping in view the revised pension in case the same is found to be more than the one which was fixed at the time of the retirement of the petitioner. Let the order be complied with within a period of three months from the date of receipt of copy of this order.

16. The present petition is allowed in above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

December 09, 2025
harsha

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No