



2025:DHC:10660-DB



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

Date of decision: 27.11.2025

+ W.P.(C) 17979/2025

UNION OF INDIA AND ANOTHERPetitioners

Through: Mr. Ruchir Mishra, SPC with
Mr. Sanjiv Kumar Saxena, Mr.
Mukesh Kumar Tiwari, Ms.
Poonam Shukla & Ms. Reba
Jena Mishra, Advs.

versus

BALISTER SINGH YADAVRespondent

Through: None.

CORAM:

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

CM APPL. 74358-59/2025 (Exemptions)

1. Allowed, subject to all just exceptions.

CM APPL. 74360/2025

2. This application seeks permission to file lengthy synopsis and list of dates.

3. Having considered the contents of the application, the same is allowed. The application is disposed of.

W.P.(C) 17979/2025 & CM APPL. 74357/2025

4. This petition has been filed challenging the Order dated 12.01.2024 passed by the learned Central Administrative Tribunal,



Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 1126/2020 titled, **Balister Singh Yadav v. MoHUA & Anr.** whereby the learned Tribunal allowed the O.A. filed by the respondent herein and directed the petitioner to restore the third Modified Assured Career Progression Scheme ('MACP') benefit of the respondent with effect from 17.11.2012 as was granted earlier, along with all consequential benefits.

5. At the outset, it is noted that the present petition has been filed after a delay of approximately one and a half years from the date of passing of the Impugned Order.

6. The brief facts giving rise to the present petition are that the respondent was appointed as a first grade Plumber in Central Public Works Department ('CPWD') on 16.11.1984. He was granted selection grade upon completion of eight years of service, *vide* office order dated 09.06.2011, with effect from 16.11.1992. Upon introduction of the MACP Scheme, he was granted the second MACP benefit with effect from 01.09.2008, and the third MACP benefit after completion of 28 years of regular service, with effect from 17.11.2012.

7. Subsequently, based on a clarification dated 18.05.2015, the date of grant of the third MACP benefit to the respondent was revised from 17.11.2012 to 17.11.2014, *vide* office order dated 17.03.2016. A revised office order dated 31.03.2016 was also issued revising the pay of the respondent with effect from 17.11.2014.

8. Being aggrieved of the aforesaid revision and the dismissal of his representation *vide* order dated 26.06.2020, the respondent filed



the aforesaid O.A. before the learned Tribunal.

9. The learned Tribunal allowed the O.A. primarily placing reliance upon the Order dated 28.09.2017 passed by the Central Administrative Tribunal, Chandigarh Bench in O.A. No. 060/00334/2016, titled ***Kewal Singh v. Union of India & Ors..***

10. The learned counsel for the petitioner submits that the learned Tribunal has failed to appreciate that under the MACP Scheme, financial upgradation is to be granted after completion 10, 20 and 30 years of regular service in a grade. He submits that in the present case, when the respondent was granted the third MACP benefit with effect from 17.11.2012, he had completed only 28 years of service, which was contrary to the MACP Scheme. Therefore, this anomaly was sought to be rectified by the revised order dated 17.03.2016. He submits that the learned Tribunal has erred in passing the Impugned Order.

11. He, further submits that the Illustration 28 of the MACP Scheme relied upon by the learned Tribunal in ***Kewal Singh*** (Supra) would not be applicable to the present case inasmuch as the selection grade was granted to the respondent with effect from 16.11.1992, that is, prior to the coming into force of the Scheme. If Illustration 28 was to be applied, it would give the MACP Scheme retrospective effect, which was never intended.

12. We have considered the submissions advanced by learned counsel for the petitioner, however, we find no merit in the same.

13. Illustration 28 A (i) and (ii) which has been relied upon by the learned Tribunal, reads as under:



“(i) If a Government servant (LDC) in PB-I in the Grade Pay of Rs.1900 gets his first regular promotion (UDC) in the PB-I in the Grade Pay of Rs.2400 on completion of 8 years of service and then continues in the same Grade Pay for further 10 years without any promotion then he would be eligible for 2nd financial upgradation under the MACPS in the PB-I in the Grade Pay of Rs.2800 after completion of 18 years (8+10 years).

(ii) In case he does not get any promotion thereafter, then he would get 3rd financial upgradation in the PB-II in Grade Pay of Rs.4200 on completion of further 10 years of service i.e. after 28 years (8+10+10).”

14. The aforesaid illustration applies squarely to the case of the respondent. The said illustration clearly provides that in case a Government servant has earned first regular promotion in PB-I in the Grade Pay of Rs. 2400/- upon completion of eight years of service, he shall be entitled to get further MACPs benefits upon completion of 8+10+10 years, provided he does not receive any further promotion given the intervening periods.

15. In the present case, the respondent was granted selection grade with effect from 16.11.1992, he was therefore entitled to the second and the third MACP benefits, which were granted to him, the third MACP benefit being effective from 17.11.2012.

16. The submission of the learned counsel for the petitioner that giving effect to Illustration 28 would render it retrospective does not convince us. The illustration has been incorporated to give effect to the MACP benefit. Therefore, the question is not one of retrospectivity but rather concerns the manner of operation and



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implementation of the MACP Scheme.

17. Accordingly, we find no merit in the present writ petition. The same is dismissed. Pending application stands disposed of.

NAVIN CHAWLA, J

MADHU JAIN, J

NOVEMBER 27, 2025/ys/Av/ik