

N.M. Rahmathulla Vs. the Administrator and Others

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Court : Central Administrative Tribunal CAT Ernakulam

Decided On : Apr-12-2012

Judge : P.R. Raman, Judicial Member & the Honourable Mr. K. George Joseph, Administrative Member

Appeal No. : Original Application No. 95 of 2011

Appellant : N.M. Rahmathulla

Respondent : The Administrator and Others

Advocate for Def. : Mr. S. Radhakrishnan, Mr. N. Unnikrishnan

Advocate for Pet/Ap. : For the Applicant: P.V. Mohanan, Advocate. For the Respondents: R1, S. Radhakrishnan, R3, N. Unnikrishnan, Advocates.

Judgement :

K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER

1. The applicant in this O.A commenced service under the respondents as Lower Division Clerk (LDC) on 22.11.1988. He was promoted as Upper Division Clerk (UDC) on 26.10.1994. His promotion as UDC was regularised with effect from 26.08.2000. He has been granted the 2nd financial upgradation under the MACP Scheme in the Pay Band of Rs. 5200-20200 plus Grade Pay of Rs. 2400/- with effect from 01.09.2008. The party respondents who were his seniors in the cadre of LDC got promoted as UDC later than the applicant who were granted the 3rd

financial upgradation under the MACP Scheme in the Pay Band of Rs. 9300-34800 plus Grade Pay of Rs. 4200/-. The applicant is aggrieved that he is getting less pay than his juniors in the UDC cadre. By filing this O.A, he seeks rectification of this anomaly by stepping up his pay or by granting him the 2nd financial upgradation under the ACP Scheme on completion of 12 years as UDC.

2. The applicant contended that his juniors on completion of 24 years of regular service but before completing 12 years as UDC were granted the 3rd financial upgradation under the MACP Scheme and are getting higher pay than him. This is arbitrary and discriminatory according to him.

3. The respondents contested the O.A on the following grounds. The party respondents joined service much earlier than him. The financial upgradation under the ACP Scheme is granted on completion of 12 years or 24 years of regular service without promotion. The financial upgradation under the MACP Scheme is granted on completion of 10 years, 20 years and 30 years of regular service without promotion. The party respondents have longer years of service than the applicant. The financial upgradation has been granted to the party respondents strictly on the basis of the MACP Scheme taking into account the regular service from the initial appointment. It is clearly stated in the ACP and MACP Schemes that the financial upgradation under the said Schemes is purely personal to the employee and that no stepping up of pay would be admissible with regard to junior getting more pay than senior on account of pay fixation..

4. We have heard Mr. P.V. Mohanan, learned counsel for the applicant and Mr. S. Radhakrishnan, learned counsel for the respondent No. 1 and Mr. N. Unnikrishnan, learned counsel for the respondent No. 3 and perused the records.

5. The financial upgradations under the ACP and MACP Schemes are purely personal to the employee and strictly based on the length of regular service. It is categorically stated that no stepping up of pay would be admissible to a senior on the ground of his junior getting higher pay on account of the financial upgradation under the Scheme. Therefore, there is no basis for the claim of the applicant for stepping up of his pay to the level of his junior who is drawing higher pay. The applicant is not eligible for the 2nd financial upgradation with effect from

26.10.2006 on completion of 12 years of service in the cadre of UDC and he has not completed 24 years of service from the date of initial appointment. He has been granted one promotion and the 2nd financial upgradation under the MACP Scheme. He has been given what is his due and the party respondents who were his seniors in the cadre of LDC and juniors in the cadre of UDC were given what is their due. The contentions of the applicant are without any basis.

6. The O.A. is accordingly dismissed with no order as to costs.

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