

Shiva Gopal Mishra
Secretary

Ph.: 23382286
National Council (Staff Side)
Joint Consultative Machinery
for Central Government Employees
13-C, Ferozshah Road, New Delhi – 110001
E Mail : nc.jcm.np@gmail.com

No.NC-JCM-2014/MACP

May 16, 2014

The Secretary,
Department of Personnel & Training,
North Block,
New Delhi

Sub:- Financial upgradation in the next promotional grade Hierarchy under MACP

Ref:- Your letter No. P-13025/11/2014-AT dated 4.4.2014

Your letter No. P-26012/5/2011-AT dated 19.8.2013

Dear Sir,

You have granted financial upgradation to Shri Rajpal in the Promotional hierarchy under MACP in compliance of direction of Hon'ble Central Administrative Tribunal Chandigarh Bench dated 31.5.2011 in O.A. No. 1038 /CH/2010 Rajpal Vs UOI & Others.

You have treated it as a judgment in personum and not a judgment in rem so far as other employees covered under MACP are concerned.

Your plea is that SLP No. 7967/2013 filed by the Department / Government against the judgment of Hon'ble High Court Chandigarh in C W PNo.1938/2011 was discussed on technical grounds and not on merit in this case. The ground was insufficient explanation given to condone the delay in refilling the SLP.

In this connection I may bring to your kind notice that Supreme Court in catina of cases (i. e. G.C. Ghosh Vs UOI [(1992) 19 ATC 94 SC] dated 20.7.98) has ruled that decision taken in one specific case either by the judiciary or the Government should be applied to all identical cases (i.e similarly circumtanced) without forcing other employees to approach the Court of law for identical remedy or relief.

Since whether MACP should be granted to next promotional hierarchy or next grade pay hierarchy is a common issue applicable to all Government employees the decision in the case of Rajpal should be made applicable to all Government employees who are granted financial upgradation under MACP.

Since you have already granted MACP in next promotional hierarchy to Rajpal it has been absolute and has to be implemented in the case of all Government employees who are similarly placed under MACP.

I, therefore, request you to reconsider and suitably modify the MACP Scheme providing for financial upgradation in the promotional hierarchy.

Thanking you,

Yours faithfully,


(Shiva Gopal Mishra)
Secretary

✓ Copy to Shri Sadhu Singh, Member, National Council (Staff Side) – JCM & Organizing Secretary / BPMS with reference to their letter No. BPMS/MACPS/64 (7/3/M) dated 5.5.2014 (received by mail)


(Shiva Gopal Mishra)
Secretary