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

+ **W.P.(C) 1861/2024**

UNION OF INDIA & ORS.

..... Petitioners

Through: **Mr. Vijay Joshi, Advocate.**

versus

SH. TRIYOGI NATH TIWARI & ORS.

..... Respondents

Through:

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

% **08.02.2024**

CM APPL. 7753/2024 -Ex.

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 1861/2024 and CM APPL. 7752/2024 -Stay.

3. The present writ petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 10.07.2023 passed by the learned Central Administrative Tribunal in O.A.3605/2015. Vide the impugned order, the learned Tribunal has allowed the claim of the respondents for stepping up of their pay at par with their juniors, who were getting higher pay on account of receiving the benefit of the MACP scheme.
4. Learned counsel for the petitioners submits that the impugned order is wholly perverse and is liable to be set aside as the learned Tribunal has failed to appreciate that the benefit of the MACP scheme is personal in



nature, and therefore, a senior employee would not be entitled to upgradation of pay merely on account of a junior drawing higher pay as a result of MACP. He further submits that this Court is already considering a similar issue in W.P.(C) 881/2024.

5. Upon the petitioners taking steps, issue notice to the respondents through all permissible modes.

6. List on 14.03.2024.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

FEBRUARY 8, 2024/ib