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

+ **W.P.(C) 7671/2019**

SH. RAM SUKH

..... Petitioner

Through: Mr. R.K.Shukla and Ms. Nisha
Mayrya Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Avnish Singh, SPC with Mr.
Vishal Kr. Yadav, Mr. Mahendra
Vikram Singh and Ms. Kanchan
Kumari, Advocates for R-1 to R-4
(UOI)

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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06.02.2024

1. The present writ petition under Article 226 and 227 of the Constitution of India seeks to assail the order dated 12.10.2018 passed by the learned Central Administrative Tribunal in O.A No. 1957/2014. Vide the impugned order, the learned Tribunal has rejected the petitioner's claim for grant of MACP on the ground that he had already availed of two upgradations/promotions while he was in service.
2. Learned counsel for the petitioner submits that while rejecting the claim of the petitioner, the learned Tribunal has failed to appreciate that despite the two upgradations having been earlier granted to the petitioner, he



remained a Group D employee as all those upgraded scales were subsequently merged. By drawing our attention to Item No. 5 of the OM dated 05.04.2021, he contends that such promotions/upgradations in pay scales which are subsequently merged are required to be ignored for the purpose of MACP. He further submits that in fact this aspect had already been clarified in para 5 of the MACP Scheme itself, which the learned Tribunal has failed to appreciate.

3. Learned counsel for the respondents prays for time to examine the position and make submissions.

4. At request, list on 04.04.2024.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

FEBRUARY 6, 2024/ib