

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE S. G. PANDIT

AND

THE HON'BLE MR. JUSTICE K.V.ARAVIND

WRIT PETITION NO.37754/2016 (S-CAT)

BETWEEN:

SRI. B.K. RAMANJANAPPA
S/O KAREBHEEMAIAH
AGED ABOUT 58 YEARS
ASSISTANT DIRECTOR OF
CENSUS OPERATION
O/O THE DIRECTOR OF CENSUS OPERATION
E AND F WING, 7TH FLOOR
KENDRIYA SADAN, KORAMANGALA
BANGALORE- 560 034

... PETITIONER

(BY SRI. RANGANATH S JOIS, ADV.)

AND:

1. THE UNION OF INDIA
REP. BY ITS SECRETARY
MINISTRY OF HOME AFFAIRS
NORTH BLOCK
NEW DELHI-110001.

2. THE REGISTRAR GENERAL AND
CENSUS COMMISSIONER OF INDIA
MINISTRY OF HOME AFFAIRS
21-A, MANSINGH ROAD
NEW DELHI – 110 001.

3. THE DIRECTOR OF CENSUS OPERATIONS
O/O THE DIRECTOR
OF CENSUS OPERATIONS
E AND F WING, 7TH FLOOR
KORAMANGALA
BANGALORE- 560 034.

...RESPONDENTS

(BY SRI A RAJESH, CGC FOR R1 TO R3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS RELATING TO THE IMPUGNED ORDER DATED 13.04.2016 MADE IN O.A.NO.170/00192/2015 PASSED BY THE CAT VIDE ANNEX-A PERUSE AND QUASH THE SAME AS ILLEGAL AND ARBITRARY AND ALLOW THE ORIGINAL APPLICATION NO.192/2015 AND THUS GRANTING THE DIRECTIONS AS SOUGHT FOR IN THE ORIGINAL APPLICATION AND EXTEND ALL CONSEQUENTIAL AND MONETARY BENEFITS OF PAY.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDER ON **05/02/2026** COMING ON THIS DAY, **S.G.PANDIT J.**, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR JUSTICE S.G.PANDIT
and
HON'BLE MR JUSTICE K.V.ARAVIND

CAV ORDER

(PER: HON'BLE MR JUSTICE S.G.PANDIT)

The petitioner is before this Court questioning order dated 13.04.2016 in O.A.No.170/00192/2015 passed by the Central Administrative Tribunal, Bengaluru Bench, Bengaluru (for short 'CAT'), whereunder, petitioner's prayer to modify order dated 30.12.1999 (Annexure-A1) and to grant first ACP benefits in the pay scale of pre-revised pay of Rs.7,450-11,500 in PB-2 in the pay scale of Rs.9,300-34,800 with grade pay of Rs.4600 w.e.f. 01.01.2006 and consequential prayers, were rejected

2. Heard learned counsel Sri. Ranganatha S Jois for petitioner and Sri.A Rajesh, learned Central Government Counsel for the respondents.

3. The brief facts of the case are that:

The petitioner joined service under the Home Affairs Ministry as a Statistical Assistant on

03.11.1982 in the pay scale of Rs.4,500-7,000. Assured Career Progression Scheme was introduced under OM dated 09.08.1999 (for short 'ACP') to provide certain benefits to the employees who stagnate at a particular post for prolonged period on account of non-availability of promotional post. In terms of the ACP, the petitioner was granted first ACP w.e.f. 09.08.1999 in the pay scale of Rs.5,500-9,000 by order dated 30.12.1999. Subsequently on 14.06.2001, the designation of the post held by the petitioner was re-designated as Statistical Investigator, Grade-III and was placed in the revised pay scale of Rs.5,000-8,000 w.e.f. 01.01.1996, i.e., prior to the grant of first ACP to the petitioner. On 17.02.2003, the petitioner was promoted as Statistical Investigator, Grade-II w.e.f. 01.02.2003 in the pre-revised pay scale of Rs.5,500-9,000. On completion of 24 years of regular service in terms of ACP Scheme,

on 06.02.2007, the petitioner was granted second ACP in the pay scale of Rs.6,500-10,500 w.e.f. 04.11.2006. It is relevant to note that the post of Statistical Investigator Grade-III and Statistical Investigator Grade-II were merged as Statistical Investigator Grade-II with the pay scale of Rs.9,300-34,800 along with Grade pay of Rs.4,200 w.e.f. 01.01.2006. Subsequently, the petitioner was promoted as Statistical Investigator Grade-I initially on *ad hoc* basis w.e.f. 27.06.2007 which was regularized w.e.f. 04.01.2008 in the pay scale of Rs.9,300-34,800 with Grade pay of Rs.4,600. Thereafter, the respondents introduced Modified Assured Career Progression Scheme ('MACPS' for short) by OM dated 19.05.2009 and the petitioner was granted second MACP benefit w.e.f. 01.09.2008 in PB-2 with Grade pay of Rs.4,800 by order dated 04.04.2012. Subsequently, he was promoted as

Assistant Director of Census Operations in the pay scale of Rs.15,600-39,100 with Grade pay of Rs.5,400 w.e.f. 22.06.2013. On completion of 30 years of service, the petitioner claimed third MACP in PB-4 i.e., Rs.37,400-67,000 with Grade pay of Rs.8,700. However, the petitioner was granted third MACP in PB-2 with Grade pay of Rs.5,400 by order dated 24.06.2013. Thereafter the petitioner is said to have submitted a representation. As his representation was not considered favourably, the petitioner was before the Tribunal praying for the following reliefs:

"WHEREFORE, the Applicant humbly prays that this Hon'ble Tribunal may be pleased to call for the records from the II & III-Respondents and,

(i) direct the Respondents and in-particular the III-Respondent to modify the order No. ADM 21 EST.99 dated 30.12.1999 at Annexure A-1 by granting the I-ACP benefits in the pay scale of pre-revised pay of Rs. 7450-11,500 i.e., in

the PB-2, scale of Rs.9300-34,800 with Grade Pay of Rs. 4600 w.e.f. 01.01.2006;

and,

(ii) direct the Respondents and in-particular the II- Respondent to modify the order issued on the File No. 3211/48/2006-Ad-IV dated 06.02.2007 at Annexure-A4 by granting the II-ACP benefits in the PB-3 scale of Rs. 15,600-39100 with Grade Pay of Rs. 5400 w... 04.11.2006 and,

(iii) quash the order issued by the II-Respondent on the File No.12/62/2011-AD-III(PL.III) dated 04.04.2012 at Annexure: A-6;

and,

(iv) quash the Memorandum issued by the II-Respondent on the File No. 12/62/2011-Ad-III (Pt.III)/230 dated 19.02.2013 at Annexure: A-7;

and,

(v) direct the Respondents and in-particular the II-Respondent to modify the order issued on the File No. 12/54/2012-Ad-III (Pt.)/692 dated 24.06.2013 at A-9 by granting the MACP benefits to the Applicant in the PB-4 scale of

*Rs. 37,400-67,000 with Grade Pay of Rs. 8,700
w.e.f. 04.11.2012;*

or,

*(vi) grant such other benefits to the Applicant
on the facts and circumstances of the case in
the interest of justice."*

The CAT under impugned order rejected the application of the petitioner holding that the application is patently frivolous and has wasted the time of the Tribunal. Questioning the said order of CAT, the petitioner is before this Court in this writ petition.

4. Learned counsel Sri. Ranganatha S Jois would contend that the respondents ought to have granted ACP/MACP up-gradations based on the hierarchical pay structure and based on length of service irrespective of the actual promotion. Further, learned counsel would submit that the respondents incorrectly granted MACP in a lower grade pay

ignoring the proper hierarchy under the relevant Rules.

5. Learned counsel would further submit that the petitioner would be entitled for first ACP in the revised pay scale w.e.f. 01.01.2006; second ACP in PB-3 from 04.11.2006 and third MACP in PB-4 w.e.f. 04.11.2012. Learned counsel would submit that the petitioner would be entitled for second financial up-gradation under ACP Scheme in the promotional hierarchy and not under MACP Scheme which came into existence from 01.01.2008 onwards.

6. Per contra, learned CGC for respondents submits that the petitioner was granted all financial up-gradations which he was entitled to under ACP and MACP Schemes. Further, it is submitted that merger of pay scales or posts would not wipe out the ACP benefit granted prior to the said merger of the posts

or pay scale. Learned CGC would submit that the petitioner cannot claim PB-4 with Grade pay of Rs.8,700 ignoring his promotion as Assistant Director carrying Grade pay of Rs.5,400 in the year 2013. Thus, he would pray for dismissal of the writ petition.

7. Having heard the learned counsel for the petitioner and on perusal of the entire writ petition papers, we are not inclined to interfere with the impugned order passed by the CAT.

8. As noticed above, the petitioner was granted first ACP by order dated 30.12.1999 w.e.f. 09.08.1999 and was placed in pay scale of Rs.5,500-9,000. However, subsequently, by order dated 14.06.2001, the petitioner's designation was changed to Statistical Investigator Grade-III retrospectively w.e.f. 01.01.1996 in the pay scale of Rs.5,000-8,000. On 17.02.2003, petitioner was promoted as Statistical

Investigator Grade-II w.e.f. 01.02.2003. Thereafter, the petitioner was granted second ACP in the pay scale of Rs.6,500-10,500 w.e.f. 04.11.2006. In the meanwhile, the post of Statistical Investigator Grade-III and Statistical Investigator Grade-II came to be merged as Statistical Investigator Grade-II with PB-2 and in pay scale of Rs.9,300-13,800 with Grade pay of Rs.4,200 w.e.f. 01.01.2006. The petitioner was also promoted as statistical Investigator Grade-I on 27.06.2007 on *ad hoc* basis which was regularized on 04.01.2008 in the pay scale of Rs.9300-34800 with Grade pay of Rs.4,600. On coming into force of MACP Scheme, the petitioner was granted second MACP w.e.f. 01.09.2008 by order dated 04.04.2012 in PB-2 with Grade pay of Rs.4,800. Subsequently, he was also promoted on 26.02.2013 as Assistant Director of Census Operations, in the pay scale of Rs.15600-39100 in PB-3 with Grade pay of Rs.5,400 w.e.f.

26.02.2013. On completion of 30 years of service, the petitioner claimed third MACP in PB-4. However, he was granted third MACP in PB-2 with Grade pay of Rs.5,400 by order dated 24.06.2013.

9. The above would indicate that the petitioner was granted all financial benefits available to a Central Government servant. While granting ACP and MACPs, the promotion granted to the petitioner is also ignored. The scheme of ACP and MACP is introduced to give some relief to such employees who were stagnated in a particular post for a prolonged period on account of non-availability of promotional post. However, the petitioner has got ACP-1, ACP-2, MACP-2 and MACP-3 and also promotion to the post of Statistical Investigator Grade-I and Assistant Director of Census Operations. When he has been granted the ACP 1 and 2, MACP 2 and 3 as well as two promotions, it is not understandable how the

petitioner would be entitled for further benefits. As observed by the CAT, it is a frivolous petition.

10. The petitioner has sought a prayer before the CAT to grant first ACP from 01.01.2006 in the PB-2 pay scale of Rs.9,300-34,800. However, it is to be noticed that the petitioner was granted first ACP by order dated 30.12.1999 w.e.f. 09.08.1999. The petitioner has accepted ACP-1, ACP-2, MACP-2, MACP-3 and two promotions without any demur or protest. Having accepted the ACPs, MACPs and promotions, it is not open for the petitioner after more than 15 years to seek modification of the first ACP granted in December, 1999.

11. The CAT after taking note of the ACPs and MACPs and also promotions granted to the petitioner at paragraph Nos. 6, 7 and 8 has assigned reasons which read as follows:

6. Admittedly, the applicant joined service on 03.11.1982. The ACP scheme having coming to force on 9.8.1999, the applicant got the first ACP in the appropriate pay scale with effect from 9.8.1999. He now claims certain additional ACP benefits relating to PB and GP; unfortunately for him neither PB nor GP existed in 1989. They were introduced by the 6th Central Pay Commission (CPC) whose recommendations were adopted with effect from 1.1.2026. This claim is, therefore, rejected.

"7. Next the applicant claims he is entitled for the second ACP in the pay of Assistant Director of Census Operations (Rs.15600-39100 in PB 3 with GP of Rs.5,400). We cannot understand the basis of this claim when as per his own admission he held the post of Statistical Investigator Gr.II in the pay scale of Rs.9300-34800 with GP of Rs.4200 he was granted the second ACP with effect from 4.11.2006. The promotion as Assistant Director of Census Operations came only on 26.2.2013. Hence his claim for enhanced benefit under the second ACP is also invalid.

8. Finally he was promoted as Assistant Director of Census Operations in PB3 Rs.15600-39100 with GP of Rs.5400) with effect from 26.2.2013. How has he then claimed MACP benefit in the PB 4 scale of Rs.37400-67000 with GP of Rs.8700 with effect from 4.11.2012?"

12. Moreover, the Pay Band has come into effect by introduction of Sixth Pay Commission from 01.01.2006 and whereas the first ACP to the petitioner was granted in the year 1999 itself. Therefore, the prayers of the petitioner have no basis. If the petitioner had any grievance at the time of grant of first ACP, second ACP as well as second MACP and third MACP, he ought to have objected at the relevant point of time. Having accepted the benefit and having enjoyed the same, approaching the CAT after more than 15 years from the date of first ACP suffers from *laches*.

13. Once MACP Scheme has been introduced, the employees can claim benefits only under the MACP Scheme and they cannot claim benefit under old superseded ACP scheme. It is also not the case of the petitioner that he was not granted second ACP prior to coming into force of the MACP.

Thus, we do not find any merit in the writ petition and accordingly, the same stands ***rejected***.

**Sd/-
(S.G.PANDIT)
JUDGE**

**Sd/-
(K.V.ARAVIND)
JUDGE**

BSV
CT: bms