



Serial No.01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP (C) No. 139 of 2024

Reserved on: **06.05.2026**

Pronouncement on: **05.06.2026**

1. The Union of India
 Represented by the Secretary
 to the Government of India
 Ministry of Home Affairs
 New Delhi.
2. The Director
 North Eastern Police Academy
 Umsaw – 793123, Meghalaya
3. The Secretary
 Ministry of Personnel, Public
 Grievances and Pensions
 Department of Personnel and Training
 North Block, New Delhi - 110001

.... **Petitioners**

Vs.

Smti. Veena Dhoundiyal
 W/o (L) Ramesh Chandra
 R/o Near RTO Check Post
 Mohabbewala, Dehradun, Dehradun Sadar,
 Dehradun, Uttarakhand- 248002, is hereby
 duly substituted as his legal heir.
 (As per order dated 02.04.2025 passed in
 MC [WP(C)] No. 36 of 2025 in WP(C) No. 139 of 2024)

.... **Respondent**

Coram:

Hon'ble Mrs. Justice Revati Mohite Dere, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge



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| i) | Whether approved for reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication in press: | Yes/No |

Appearance:

For the Petitioner/Appellant(s) : Dr N. Mozika, DSGI with Ms K. Gurung, Adv.

For the Respondent(s) : Mr M. Chanda, Adv. with Mr Kumar Abhinandan, Adv.

JUDGMENT AND ORDER

Per W. Diengdoh, (J):

1. Heard Dr. N. Mozika, learned DSGI, who has submitted that the case of the petitioner/Union of India is that Ramesh Chandra (since deceased) was working at the North Eastern Police Academy (NEPA) Umsaw, Meghalaya having joined the said Academy as Hindi Instructor on 12.11.1984, in the pay scale of ₹ 470 - 750/- pm (revised to ₹5000 – 8000/- as per 5th CPC).

2. Vide MHA Order No.5/1/98-NE. II dated 26.05.1998, one post of Hindi Officer was created at NEPA in the scale pay of ₹ 6,500 - 10,500/-, creation of the said post resulting in simultaneous abolition of the existing post of Hindi Instructor. Pursuant to constitution of a Board of Officers to consider the eligible candidates to fill up the post of Hindi Officer, the Departmental Promotion Committee (DPC) submitted its recommendation on 29.05.1998, whereby the respondent/Ramesh Chandra, now substituted by his wife Smti.



Veena Dhoundiyal was temporarily promoted and appointed to officiate as Hindi Officer (Group B) with effect from 01.06.1998 in the scale pay of ₹ 6,500 - 10,500/-.

3. In the meantime, the Assured Career Progression (ACP) Scheme came into being on 09.08.1999. However, since the respondent has completed 12 years of service on 12.11.1996 and has been promoted to the post of Hindi Officer on 29.05.1998, he was therefore, not eligible to be granted 1st ACP.

4. It is also the submission of the learned DSGI, that a new scheme known as the Modified Assured Career Progression (MACP) Scheme, came into effect from 01.09.2008 replacing the earlier ACP Scheme by effectively providing 3 financial upgradations to employees on completion of 10, 20 and 30 years of service, respectively, if such employee is stagnated in the same post. The respondent having been promoted to the post of Hindi Officer in 1998 in a higher pay scale, he was thus entitled for his second financial upgradation under the MACP Scheme, with effect from 01.09.2008. Accordingly, vide relevant order dated 19.03.2012, the second financial upgradation was extended to the respondent in the pay band 2 with pay scale of ₹ 9,300 - 34,800/-, plus grade pay of ₹ 4,800/-, w.e.f., from 01.09.2008.



5. It is further submitted that the Ministry of Home Affairs (MHA) vide Letter No.23012/63/2010-PC dated 13.03.2014, in consultation with the Ministry of Finance decided to extend the grade pay of ₹ 5,400/- in PB 3 - ₹ 15,600 - 39,100/- to Hindi Officer NEPA and to re-designate the post as Assistant Director (Official language), which was done so vide related order dated 22.03.2014, the same being made applicable to the respondent with effect from 01.01.2006. By so doing, the previous order dated 19.05.2012 (supra) extending second MACP to the respondent became automatically null and void.

6. In this scenario, it is reiterated that the deceased respondent having joined service as Hindi Instructor in the year 1984 and subsequently promoted to the post of Hindi Officer/Assistant Director (Official Language) w.e.f. 01.06.1998, therefore if the date of reckoning for grant of financial upgradation under the ACP/MACP Scheme is to be counted from 16.11.1984 (the day he joined service), then he would no longer qualify to the 1st ACP, having completed 12 years of service on 16.11.1996, but would still be eligible to be considered for the 2nd and 3rd upgradation under the MACP Scheme which was done so.



7. Accordingly, the deceased respondent was granted the 2nd MACP w.e.f. from 01.09.2008, having completed 10 years of service as Hindi Officer from 29.05.1998 to 30.05.2008. He would have completed another 10 years of service on 29.05.2018 and thus would be eligible for another upgradation, but having superannuated on 01.09.2017. However, admittedly, the 3rd MACP was granted to him w.e.f. 14.11.2014, which he was not otherwise entitled to, submits the learned DSGI.

8. Viewed thus, the learned DSGI has submitted that the impugned order dated 15.10.2023 passed by the learned Central Administrative Tribunal (CAT) is liable to be set aside and quashed having failed to appreciate the facts and circumstances of the case of the deceased respondent vis-à-vis his entitlement to the related financial upgradations to which he is not entitled to.

9. Per contra, Mr. M. Chanda, learned counsel for the respondent has submitted that the only consideration in this case is whether the respondent, at the time he was appointed as Hindi Officer as against the post of Hindi Instructor earlier held by him should be taken as a promotional appointment or not for the purpose of computation of his financial upgradation and in the same manner, whether the date of reckoning would be the year 1984, the year



he was initially appointed to the post or the year 1998, the year he was appointed as Hindi Officer.

10. It is the contention of the learned counsel that according to para 5 of the MACP Scheme, it is provided that promotion earned or upgradations granted under the ACP Scheme to posts carrying the same grade pay due to merger of pay scale/upgradation of posts shall be ignored for the purpose of MACP. The fact that as per the 6th CPC, the pay scale of ₹ 5000 - 8000/-, ₹ 5500 - 9000/- and ₹ 6500-10500/- were merged with grade pay of 4200/- and since the pay scale of Hindi Instructor and Hindi Officer/Assistant Director (OL) are now clubbed under the same grade pay, therefore, no consideration of upgradation, if any can be counted as far as the respondent is concerned.

11. That the respondent at the relevant point of time was drawing the pay scale with grade pay of ₹ 5400/-, as such, he is entitled to receive the 1st 2nd and 3rd financial upgradations under the MACP Scheme in the grade pay of ₹ 6600 - 7600/- and ₹ 8700/- respectively, submits the learned counsel.

12. This Court after hearing the parties, facts stated hereinabove not required to be reiterated except if so warranted, on perusal of the impugned Order is made to understand that the respondent has filed representation before the concerned authorities seeking re-examination and review of the



benefits of MACP given to him, that is, the 2nd MACP in the grade pay of ₹ 6600/- w.e.f. 01.09.2008 and thereafter, the 3rd MACP in the grade pay of ₹ 7600/- w.e.f. 14.11.2014, the same being rejected vide the impugned Order dated 18.02.2017, has approached the learned CAT with a prayer to set aside and quash the said impugned Order and further, to direct the respondents therein to review the said benefit granted to the extent that the applicant/respondent herein is entitled to the 1st ACP in the grade pay of ₹ 6600/-, the 2nd MACP in the grade pay of ₹ 7600/- and the 3rd MACP in the grade pay of ₹ 8700/-.

13. The learned Tribunal after hearing the parties has allowed the prayer made and for the reasons recorded in the impugned Order, has set aside the impugned letter dated 18.02.2017 and has further directed that the applicant/respondent be granted the 1st and 2nd financial upgradations in the grade pay of ₹ 6600/- and ₹ 7600/- w.e.f. 01.09.2008 and the 3rd upgradation in the grade pay of ₹ 8700/- w.e.f. 14.11.2014.

14. It is the stand of the relevant authorities that the respondent is not entitled to the benefit of the 1st ACP (which came into force from 09.08.1999) since he was already promoted to the post of Hindi Officer on 29.05.1998, however, after the MACP Scheme came into force w.e.f. 01.09.2008, the 2nd



financial upgradation was given to him from such date and in the same manner, the 3rd MACP was also given to him w.e.f. 12.11.2014. This Court is not convinced by this reasoning and calculation, simply because of the fact that upon creation of the post of Hindi Officer, the respondent being appointed to such post w.e.f. 01.06.1998, the earlier post of Hindi Instructor stands abolished with effect from such date. There is also nothing on record to suggest that the post of Hindi Instructor is a feeder cadre for the post of Hindi Officer. Therefore, it cannot be said that the respondent was given promotion as Hindi Officer on 01.06.1998.

15. That apart, reliance on para 5 of the MACP Scheme as has been discussed at para 10 hereinabove would also confirm the fact that since there was a merger of pay scales in PB-2 as per the 6th CPC, admittedly, the pay scale of Hindi Instructor and Hindi Officer becoming the same at the relevant point of time, any notion that the post of Hindi Officer is a promotional post has to be dispensed with.

16. Consequently, this Court is also convinced that the respondent is entitled to 1st financial upgradation in the grade pay of ₹ 6600/- w.e.f. 01.09.2008, 2nd upgradation in the grade pay of ₹ 7600/- w.e.f. 01.09.2008 and



finally to the 3rd upgradation in the grade pay of ₹ 8700 w.e.f. 14.11.2014 on accomplishment of 30 years of regular service.

17. This Court is therefore of the considered view that the petitioner Union of India has not been able to make out a case to set aside and quash the impugned order dated 15.10.2023 passed by the learned CAT, the same is hereby upheld.

18. Petition disposed of. No costs.

(W. Diengdoh)
Judge

(Revati Mohite Dere)
Chief Justice

Meghalaya
05.06.2026
"D. Nary, PS"