

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****201****CWP-20176-2021 (O&M)****DATE OF DECISION: 22.04.2026****UNION OF INDIA AND OTHERS****...Petitioners****Versus****SHALINI NAAGI AND OTHERS****... Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Ashish Rawal, Senior Panel Counsel for the petitioners-UOI.

Mr. R.C. Sharma, Advocate for respondents No.1 to 3.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present petition, the challenge is to the order passed by the Central Administrative Tribunal, Chandigarh Bench (for short – the 'Tribunal') dated 24.09.2019 (Annexure P-1) by which, the reversal and cancellation of benefit of MACP which was earlier granted to petitioners by respondent No.2, was found to be incorrect and the same has been set aside.

2. It may be noticed that the argument of the learned counsel for the petitioners is that respondents were promoted from the post of Assistant to the post of Office Superintendent, which grant of promotion is a valid ground to exclude the respondents from consideration of grant of MACP as, the said promotion included grant of certain financial benefits as well and therefore, keeping in view the memorandum dated 19.05.2009 issued by the Government of India by which the MACP Scheme was brought in operation, in said memorandum conditions under which the withdrawal of the benefit of MACP can be done has been



stipulated in Clause-5 as well as Clause-8 of the said Scheme has been ignored by the Tribunal while passing the impugned order.

3. We have heard the appellant in person as well as the learned counsel for the respondents and have gone through the record with their able assistance.

4. It may be noticed that the pay scale admissible on the post of Assistant and Office Superintendent was merged and said merger of the pay scale of said posts is being treated as a promotion by the petitioners so as to hold that prior to the grant of 3rd MACP, a financial benefit by way of promotion has already been granted to the respondents. In order to appreciate the same, the provisions of the Modified Assured Career Progression Scheme needs to be looked into. The Clause-5 which is being relied by the respondent is as under:-

“5. Promotions earned/upgradations granted under the ACP Scheme in the past to those grades which now carry the same grade pay due to merger of pay scales/upgradations of posts recommended by the Sixth Pay Commission shall be ignored for the purpose of granting upgradations under Modified ACPS.”

5. A bare perusal of the above would show that the promotion/upgradation granted under the scheme, which now carry the same pay scale, has to be ignored for purpose of granting upgradation under Modified ACPs. Hence, the grant of the benefit of upgradation of the pay scale while working as Assistant upon merger of the pay scale admissible to the post of Assistant Superintendent could not have been treated as a financial upgradation for the purpose of counting that three financial upgradation have been made available to the respondents. The Tribunal has rightly interpreted the same while passing the impugned order.

6. With regard to the argument that under Clause-8 and 8.1 of MACP Scheme, the benefit of 3rd MACP, could not have been granted to respondent(s).



The said clauses are as under:-

“8 Promotions earned in the post carrying same grade pay in the promotional hierarchy as per Recruitment Rules shall be counted for the purpose of MACPS.

8.1 Consequent upon the implementation of Sixth CPC's recommendations, grade pay of Rs. 5400 is now in two pay bands viz., PB-2 and PB-3. The grade pay of Rs. 5400 in PB-2 and Rs.5400 in PB-3 shall be treated as separate grade pays for the purpose of grant of upgradations under MACP Scheme.”

7. A bare perusal of the above would show that the same only stipulates the grant of the grade pay in case, the two pay scales have been merged. The same only stipulates that the said grade pay will be considered separately for purpose of grant of upgradation under MACP Scheme. The question regarding treating such merger as a financial upgradation was only dealt in Paragraph 5 which is already been noticed hereinbefore, hence, bringing Clause-8 to treat the merger of two pay scales as a financial upgradation, is not correct and the same has rightly been ignored by the Tribunal.

8. Further, once the State decided to grant the same pay scale to the feeder cadre as well as to the promoted cadre even if initially the promotion from Assistant to the Office Superintendent was being treated as promotion, but once subsequently, same pay scale was granted to both the posts by merging them, the Clause-5 of MACP Scheme will come into play so as to ignore such promotion hence, the order passed by the Tribunal cannot be treated as perverse keeping in view the facts of the present case or the instructions which have been made operational for the grant of MACP.

9. No other arguments raised.

10. Keeping in view the above, no ground is made out for any interference by this Court.



11. The present writ petition stands dismissed.
12. All pending miscellaneous application(s), if any, shall also stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

22.04.2026
sapna adhikari

Whether speaking/reasoned	:	Yes
Whether reportable	:	No