



कार्यालय, रक्षा लेखा महानियंत्रक
उलन बटार रोड, पालम, दिल्ली छावनी - 110010
Controller General of Defence Accounts
Ulan Batar Road, Palam, Delhi Cantt- 110010



सं-प्रशा/वेतन तकनीकी/19015/सरकारी आदेश
No. AN/PayTech/19015/Govt. Orders

दिनांक: 08/07/2021

सेवा में,


सभी रक्षा लेखा प्रधान नियंत्रक/रक्षा लेखा नियंत्रक/प्र.ले.नि.(फै.)
All PCsDA/CsDA/PCA (Fys)
(Through CGDA Website)

Subject: Circulation of DoP&T OM F.No. 22034/4/2020-Estt.(D) dated 05.04.2021 regarding Govt. of India decisions on various issues related to MACP Scheme.

उपरोक्त विषय पर भारत सरकार, कार्मिक, लोक शिकायत, एवं पेंशन मंत्रालय (कार्मिक तथा प्रशिक्षण विभाग) द्वारा जारी दिनांक 05.04.2021 के का. ज्ञा. सं. F. No. 22034/4/2020-Estt.(D) की प्रति सूचना, मार्गदर्शन एवं अनुपालन हेतु अग्रेषित की जाती है।


A copy of Government of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel and Training OM No. F. No. 22034/4/2020-Estt.(D) dated 05.04.2021 is forwarded herewith for information, guidance and compliance please.

Encl: as above.


(राजीव रंजन कुमार)
रक्षा लेखा उप महानियंत्रक (प्रशा)

प्रतिलिपि:-

1. प्रशासन - वेतन (स्थानीय)
2. लेखा परीक्षा (समन्वय) स्थानीय
3. लेखा अनुभाग (स्थानीय)।
4. आई. टी. & एस. विंग (स्थानीय) :- रक्षा लेखा महानियंत्रक वेबसाइट पर अपलोड करने हेतु
5. पुस्तकालय अनुभाग (स्थानीय)
6. मास्टर नोटबुक (प्रशासन-वेतन तकनीकी)


(प्रदीप कुमार)
लेखा अधिकारी(प्रशा)

F.No.22034/4/2020-Estt.(D)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi-110001
Dated; 05th April, 2021

OFFICE MEMORANDUM

Subject: Order of Hon'ble Supreme Court of India dated 05.03.2020 in SLP (C) No.21803/2014 UoI Vs. M.V. Mohanan Nair & Ors. regarding benefits in promotional hierarchy under MACP Scheme – other issues arising out of Order dated 05.03.2020 – regarding.

The undersigned is directed to refer to this Department's O.M. of even number dated 23.03.2020, which was issued as per Order dated 05.03.2020 of the Hon'ble Supreme Court of India in SLP (C) No.21803/2014, UoI Vs. M.V. Mohanan Nair & Others wherein the Hon'ble Apex Court had held that benefits under the Modified Assured Career Progression Scheme (MACPS) cannot be granted in the promotional hierarchy, and that it would be in the standard hierarchy of Grade Pay/Pay Levels in the Pay Matrix as per the existing MACP guidelines.

2. The Hon'ble Apex Court, in para 53 of aforementioned Order dated 05.03.2020, further directed that some anomalies, which were brought before the Joint Committee, constituted in Department of Personnel & Training (DoP&T) to examine the MACPS, as indicated in paras 47 to 50 of the Order dated 05.03.2020, be considered as deemed appropriate, and a decision taken in accordance with law.

3. Accordingly, in compliance of the directions of Hon'ble Apex Court, as indicated in paras 47 to 50 of the Order dated 05.03.2020, the issues arising out of deliberations of the Joint Committee constituted to examine the MACP Scheme, and which were not finally disposed of, have been examined in consultation with Department of Expenditure. It is also to be noted that revised guidelines on MACPS, as per recommendations of the 7th CPC, have been issued *vide* DoP&T's OM No.35034/3/2015-Estt.(D) dated 22.10.2019.

4. The decisions taken on these issues, item-wise, are as follows:

Item No. 1: To provide Grade Pay of the next promotional post under the MACPS (Item No.1 of Minutes of the meeting of Joint Committee held on 15.09.2010).

Item No. 2: Anomaly on introduction of the MACPS - Option may be given to the employees to continue in the old ACP Scheme even after 01.09.2008 (Item No. 8 of Minutes of the meeting of Joint Committee held on 15.09.2010).

Item No. 3: Continuation of the ACP Scheme beyond 31.08.2008 by giving an option to choose either benefits under the ACPS or the MACPS, whichever is more beneficial (Item No.3 of Minutes of the meeting of Joint Committee held on 15.09.2010).

Decision: The issue of grant of benefits in the standard hierarchy of Grade Pays/Pay Levels as per the MACPS guidelines has already been settled by the Hon'ble Apex Court in its Order dated 05.03.2020. Moreover, the matter of replacement of the ACPS with MACPS has also been settled by the Apex Court. As such, as clarified to the staff side *vide* letter dated 4.11.2013, the solution lies in cadre review to address issues relating to stagnation. Therefore, the demands of the Staff Side for grant of benefits in the promotional hierarchy or continuation of the ACPS beyond 31.08.2008 by giving option to either choose between ACPS or MACPS, whichever is more beneficial, cannot be agreed to. Hence, action on these items is treated as closed.



Decision: In terms of para 9 of the MACPS guidelines (DoP&T's OM dated 19.05.2009), the benefits of the ACP Scheme of August, 1999 would be continued / applicable till 31.08.2008. If the Government employees, who have opted for fixation of their pay in the revised pay-structure w.e.f. 01.01.2006 under the CCS (RP) Rules, 2008, then no arrears of pay would be granted. However, if he has opted for pay fixation from the date of financial upgradation under the ACP with reference to the pre-revised pay scale, then arrears of pay would be granted from the date of his option, i.e., the date of financial upgradation under the ACPS. Para 6 of Annexure-I to DoP&T's OM dated 19.05.2009 already provides for this benefit. Hence, there is no requirement for issue of any further instructions on the said issue. Thus, the item is treated as closed.

Item No. 9: Employees who got one promotion or 1st ACP prior to 01.09.2008 and have completed over two decades of service without benefit of promotion may be granted third upgradation under the MACPS on 1.9.2008 (Para 12 of Minutes of the meeting of Joint Committee held on 27.07.2012).

Decision: As per the MACPS guidelines, there shall be three financial upgradations under the MACPS, counted from the direct entry grade on completion of 10, 20 and 30 years of service respectively, or after 10 years of continuous service in the same Grade Pay or Pay Level in Pay Matrix, whichever is earlier. Thus, those employees who got either one promotion or 1st ACP before 1.1.2006 and who did not earn any promotion or 2nd ACP during 1.1.2006 to 31.8.2008, are eligible for 2nd MACP on or after 1.9.2008 (i.e. due on completion of 20 Years) and 3rd MACP after 30 years of service or 10 years in the same Grade Pay/Pay Level, as the case may be, if found otherwise eligible. Hence, there is no ground for grant of 3rd MACP straight away on 1.9.2008, without the employee earning 2nd MACP, as per provisions of the MACPS. Therefore, the request of the Staff Side cannot be acceded to and the item is treated as closed.

7. All Ministries/Departments are advised to dispose of all pending representations/references from Staff Associations etc. seeking revision in the instructions/guidelines on the MACPS relating to the above items and also defend the various pending Court Cases or to take immediate suitable action for appealing against such judgments which are contrary to the existing policy, as upheld by the Hon'ble Apex Court in the instant case.



(R. K. Sinha)

Under Secretary to the Govt. of India

To

All Ministries /Departments of the Government of India.

Copy to:-

1. President's Secretariat/Vice President's Secretariat/Prime Minister's Office/Supreme Court/Rajya Sabha Secretariat/Lok Sabha Secretariat/ Cabinet Secretariat/ UPSC/ CVC/ C&AG/Central Administrative Tribunal (Principal Bench), New Delhi.
2. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions.
3. Secretary, National Commission for Minorities.
4. Secretary, National Commission for Scheduled Castes/Scheduled Tribes.
5. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi.
6. All Staff Side Members of the National Council (JCM).
7. NIC, DoPT, North Block [for up-loading of this OM on the website of DoPT(ACP)].
8. Hindi Section, DoPT for Hindi Translation.