

MINISTERIAL STAFF ASSOCIATION
SURVEY OF INDIA, CENTRAL HEADQUARTERS : DEHRADUN
C/o NPG, Hathibarkala Estate, Dehradun-248 001

No.CHQ- 31 /MSA/2013

Dated 14 -8-2013

To

The Secretary to the Government of India,
Department of Science and Technology,
(Ministry of Science and Technology)
Technology Bhawan, New Mehrauli Road,
New Delhi-110 016.

(Through the Surveyor General of India)

SUB:GRANT OF THE BENEFITS UNDER MACP TO UPPER DIVISION CLERK (UDC) AND OTHER MINISTERIAL STAFF OF SURVEY OF INDIA IN THE HIERARCHY OF THE PROMOTIONAL GRADE – REQUEST FOR.

Sir,

With due respect, I would like to submit the following few lines on the subject for favour of your kind consideration and necessary action:-

- 1) That the Ministerial Staff of Survey of India are recruited to the post of Lower Division Clerk (LDC) in the then pay scale of Rs.950-1500. The said pay scale was revised to Rs.3050-4590 w.e.f. 1-1-1996 in terms of the Fifth CPC. The said pre-revised pay scale was revised to Pay Band-1(Rs.5200-20200)+Grade Pay Rs.1900 w.e.f. 1-1-2006 in terms of the Sixth CPC.
- 2) That as per the provisions contained in the Recruitment Rules for the Ministerial Staff, the LDCs are eligible to be promoted to the post of UDC on completion of 8 years regular service by DPC (1s promotion). It is also provided in the said Rules that the LDCs can be promoted to the post of UDCs after completion of 3 years regular service subject to passing of the 25% the Limited Departmental Competitive Examination for promotion to the post of UDCs (1st Promotion). Accordingly, the LDCs are promoted to the post of UDCs by DPC/LDCE in the pay scale of Rs.4000-6000.
- 3) That it is also provided in the said Recruitment Rules of Ministerial Staff that UDCs in the pay scale of Rs.4000-6000 shall be eligible for promotion to the post of Assistants by DPC (2nd promotion) in the pay scale of pre-revised Rs.5000-8000 (previous pay scale Rs.1400-2300) after 5 years service as UDC.
- 4) That it is also provided in the Recruitment Rules of Ministerial Staff that Assistants in the pay scale of Rs.5000-8000 shall be eligible for promotion to the post of Office Superintendent (Rs.5500-9000) by DPC (3rd promotion) after 3 years service as Assistant. But due to lack of appropriate promotional ratio, the incumbents are not granted promotion within the prescribed residency period and hence are stagnating in the same post. The Heirarchy Chart for the Ministerial Staff in Survey of India is annexed as **Annexure-1** for your ready reference please.

- 5) That it is submitted that based on the recommendations of the Fifth CPC, Government of India introduced the Assured Career Progression Scheme (ACP Scheme) under DoP&T's OM No.35034/3/97-Estt. (D) dated 9-8-1999. The main objective of the Scheme was to deal **“with the problem of genuine stagnation and hardships faced by the employees due to lack of promotional avenues”**. In said Scheme, it was provided for grant of two financial upgradations in the **promotional hierarchy** of the cadre on completion of 12 and 24 years of service respectively, counted from the direct recruitment grade. The said benefits under the ACP shall be applicable w.e.f. 9-8-1999.
- 6) That at the time of the introduction of the ACP Scheme, there was an acute stagnation in the LDC, UDC and other cadres in the Ministerial Staff. Accordingly, most of the LDCs were granted 1st ACP in the next hierarchical grade i.e. in the pay scale of Rs.4000-6000 w.e.f. 9-8-1999 or on completion of 12 years. A number of LDCs and UDCs were also granted 1st and 2nd ACP in the 1st and 2nd promotional grade i.e. in the pay scale of Rs.4000-6000 and Rs.5000-8000 (Pre-revised pay scale of Assistant) respectively w.e.f. 9-8-1999 or on completion of 24 years of service.
- 7) That the Govt. of India implemented the recommendations of the Sixth CPC under Ministry of Finance's Notification No.F.No.1/1/2008-IC dated 29-8-2008 effecting from 1-1-2006 and accordingly LDC, UDC, Assistant, Office Superintendent and Establishment & Accounts Officers were placed in the pay structure furnished as under:-

Sl. No.	Name of post	Pay scale as per Fifth CPC	Minimum service for promotion to next grade	Pay scale as per Sixth CPC
1	LDC	Rs.3050-4590	8	Pay Band-1(Rs.5200-20200)+Grade Pay Rs.1900
2	UDC	Rs.4000-6000	10	Pay Band-1(Rs.5200-20200)+Grade Pay Rs.2400
3	Assistant	Rs.5000-8000	5	Pay Band-2(Rs.9300-34800)+Grade Pay Rs.4200
4	Office Superintendent	Rs.5500-9000	3	Pay Band-2(Rs.9300-34800)+Grade Pay Rs.4200
5	Establishment & Accounts Officer	Rs.7550-11500	-	Pay Band-2(Rs.9300-34800)+Grade Pay Rs.4600

- 8) That the Govt. of India also issued orders regarding revised ACP Scheme i.e. Modified ACP (**MACP in short**) under DoP&T's OM No.35034/3/2008-Estt. (D) dated 19-5-2009 for the Central Govt. Civilian Employees replacing the existing ACP Scheme with **two** financial upgradations in the hierarchy of the promotional grade on completion of 12 and 24 years of service counted from the direct entry grade to **three** financial upgradations on completion of 10, 20 and 30 years counted from the direct entry grade in the hierarchy of grade pay under MACP. As per the aforesaid orders, the benefit under the MACP is applicable from **1-9-2008**.
- 9) That the Surveyor General's Office has decided to grant MACP to the Ministerial staff keeping the pay structure of LDC as PB-1(Rs.5200-20200)+Grade Pay Rs.1900 in view as entry grade pay structure and contended to grant the First, Second and Third MACP in the pay structure of PB-1 (Rs.5200-20200)+Grade Pay Rs.2000, PB-1(Rs.5200-20200)+Grade Pay Rs.2400 and PB-1(Rs.5200-20200)+Grade Pay Rs.2800 after completion of 10, 20 and

30 years of service as LDC/UDC respectively. As such, the said decision is detrimental to the interest of the cadre and discriminatory in nature.

- 10) That the following table shows how the benefits under MACP Scheme is less advantageous because of the fact that the MACP is granted in the hierarchy of the successive grade pay than the erstwhile ACP Scheme to the Ministerial Staff which was granted in the promotional hierarchy. An extract of the same is furnished hereunder:-

Sl.	Entry Grade / Pay scale	1 st Promotion / 1 ST ACP / Pay scale (12 Years)	2 nd Promotion / 2 nd ACP / Pay Scale (24 years)	-	Remarks
1.	LDC (Entry Grade) Rs.3050-4590 Revised PB-1 (Rs.5200-20200)+ Grade Pay Rs.1900	UDC Rs.4000-6000 Revised PB-1 (Rs.5200-20200)+ Grade Pay Rs.2400	Assistant Rs.5000-8000 (Revised PB-2(Rs.9300-34800)+ Grade Pay Rs.4200	-	Advantageous
1.	LDC (Entry Grade) Rs.3050-4590 Revised PB-1 (Rs.5200-20200)+ Grade Pay Rs.1900	1 st MACP (10 Years) Revised PB-1 (Rs.5200-20200)+ Grade Pay Rs.2000	2 nd MACP (20 Years) Revised PB-1 (Rs.5200-20200)+ Grade Pay Rs.2400	3 rd MACP (30 Years) Revised PB-1 (Rs.5200-20200)+ Grade Pay Rs.2800	Less Advantageous

- 11) That it is found that the LDCs/UDCs who have completed 24 years service as on 31-8- 2008 (before the cut-off date of 1-9-2008), were have been granted the benefits of 2nd ACP in the pay scale of Rs.5000-8000. As such, these UDCs have been placed in the revised pay structure of PB-2 (Rs.9300-34800) + Grade Pay Rs.4200, the UDCs who have not got the 2nd ACP prior to 31-8-2008 have been placed in PB-1(Rs.5200-20200)+Grade Pay Rs.2800 towards 2nd MACP and thus deprived of the said benefits without any justified reason. A tables showing the discrimination meted out to the incumbents in UDCs is furnished hereunder:-

Sl. No.	Entry Grade / Pay scale Fifth CPC	1 st Promotion / 1 ST ACP / Pay scale (12 Years) (Fifth CPC)	Replacement Pay structure by the Sixth CPC	2 nd Promotion / 2 nd ACP / Pay Scale (24 years) (Fifth CPC)	Replacement Pay structure by the Sixth CPC
1.	LDC Rs.3050-4590	UDC Rs.4000-6000	UDC PB-1 (Rs.5200-20200) +Grade Pay Rs.2400	Assistant Rs.5000-8000	PB-2(Rs.9300-34800) + Grade Pay Rs.4200

- 12) That further,UDCs have been granted 2nd Financial upgradation under the MACP Scheme Surveyor General's Office under No.C- 1553 /1902-MACP-Ministerial(II) dated 8.3.2011 in the pay structure of PB-1 (Rs.5200-20200)+Grade Pay of Rs.2800 instead of granting the same in the PB-2 (Rs.9300-34800) +Grade Pay Rs.4200 which the next promotional grade (Assistant) w.e.f. 1-9-2008 or on completion of 20 years service counted from the direct recruitment grade (Entry date).

- 13) That in the mean time, a point was raised in the National Council (JCM) for grant of MACP in the hierarchy of promotional grade instead of hierarchy of the grade pay. After thread bare discussion in the Joint Committee of the National Council (JCM), it was **decided that the Cadre/Department may represent for grant of the MACP or ACP Scheme which shall be beneficial to the incumbents in that cadre**. The decision, in this regard, was taken in the Second Meeting of the Joint Committee on MACP held under the Chairmanship of Joint Secretary (E), DoP&T on 15-9-2010. The same was circulated under GOI. DoP&T's OM No.11/1/2010-JCA dated 6-10-2010. An extract from the decisions on item No.1 – Provide Grade Pay of the Next Promotional Post under MACP.

As item No.1, 3, 8, 9, 29 & 46 are similar, it was decided to club them together.

After detailed discussions on the issues, it was decided that Para 13 of MACPS shall be revised to the effect that Organizations / Cadres shall have the option to choose either the ACP Scheme or the MACP Scheme. Individual options, however, cannot be permitted.

- 14) That thereafter, the Third Meeting of the Joint Committee on MACP was held on 15-3-2011 and discussed the issue in the agenda item No.1,3,8,9 and 29 *inter alia* on Grant of Financial upgradation in the **promotional hierarchy** instead of Grade Pay hierarchy under MACP. An excerpt of the Minutes / decisions of the same circulated under DoP&T's OM No.11/1/2010-JCA dated 20-4-2011 is furnished hereunder:-

“ The Staff side reiterated their demand that the financial upgradation under the MACP Scheme should be granted in the promotional hierarchy of posts instead of Grade Pay hierarchy. The Staff Side stated that the erstwhile ACP Scheme was implemented on the recommendation of the 5th CPC and , as such, has become a part of the service conditions of the employees. The Staff Side, therefore, contended that the Government cannot impose the MACP Scheme thereby altering the service conditions to the detriment of the employees.

The Official Side stated that the 6th CPC recommended two financial upgradations in the Grade Pay hierarchy. However, the Government improved upon the recommendations of the 6th CPC and has implemented MACP Scheme with three financial upgradations in the Grade Pay hierarchy after 10, 20 and 30 years. Referring to earlier discussions held in the matter, the Official Side stated that the Government was willing to consider revision in para 13 of MACP Scheme to the effect that organizations/cadres shall have the option either to choose the ACP Scheme or the MACP Scheme. However, the Staff Side pointed out that such a dispensation will not be practical and hence there is a need to explore other alternatives to solve the issue. After discussion, it was agreed that there is no need to change basic structure of MACP Scheme. However, there is need to separately examine those cases where MACP Scheme is less advantageous than the ACP Scheme. Accordingly, it was decided that the Official Side will write to the Ministry of Railways, Defence, Urban Development, Home and the Department of Posts to forward the information in respect of the specific categories of employees where the MACPS is less advantageous than the erstwhile ACP Scheme. The Official Side also requested the Staff Side to collect and forward such information to the Department of Personnel and Training for further necessary action...”

- 15) That then, the point was again discussed in the Joint Committee on MACP held on 27-7-2012. An extract of the Minutes of the said meeting on the agenda item No.1 Grant of MACP in the promotional hierarchy, is furnished hereunder:-

1. Grant of MACP in the promotional hierarchy.

“... The Staff side stated that the employees who were in service prior to 1-1-2006 had the right to retain first two financial upgradations in the promotional hierarchy and the Government cannot alter the existing services conditions adversely. The Official side, however, sated that since MACPS is in supersession of earlier ACP Scheme, this cannot be agreed to. The Staff Side insisted that at least option be given to individual employees in this regard to facilitate him/ her to opt either ACP or MACP for availing benefit of financial upgradation. The Staff Side was insistent that either MACPS should be in promotional hierarchy or individual options should be given to the employees.

The Official Side stated that it was not possible to agree to individual options and if they have any alternate suggestions, the Staff Side could come back with them.”

- 16) That thereafter, the further progress in the matter is not known.
- 17) That it is learnt that one employee named Raj Pal of CAT, Chandigarh designated as Photo copier, approached the Hon’ble CAT, Chandigarh Bench for grant of MACP in the hierachy in the anology of a similar post of Hindi Typist and filed OA No.1038/CH/2010 in the case of Raj Pal Vs.Union of India representaed by the Department of Personnel and Training and others. The Hon’ble CAT, Chandigarh in the order dated 31-5-2011 allowed the aforesaid OA and accordingly the said employee was granted MACP in the hierarchy of the promotional post of the comparable cadre i.e. Hindi Typist. Extracts of the aforesaid judgement of the Hon’ble CAT, Chandigarh is furnished as under:-

“13. It has been settled that the ACP would be granted on the completion of the required years of service in the hierarchy of posts for the posts of LDC/Hindi Typist, and not in the next higher scale in the recommended scales. The same principle would have to be applicable in regard to grant of MACP to the applicant. The only difference is that while in case of ACP two financial upgradations were granted on completion of 12 and 24 years of service, in case of MACP, three upgradations on the intervals of 10, 20 and 30 years of service.

15. Be that as it may, the principle enuniciated and settled by the Tribunal / High Court for grant of ACP cnot be changed and the same principle would apply for grant of MACP to him. The only difference is of number of years is required to be completed. We find no justification to take a different view in the matter.

16. For the foregoing reasons, the impugned order dated 9-8-2010 (Annexure A-1) qua the applicant, fixing his pay in PB-1 with grade pay of Rs.2400/- under the second MACP, and the order dated 9-8-2010 (Annexure A-2) are hereby quashed and set aside. Consequently, the respondents are directed to grant second financial upgradation to the applicant under the MACPS from due date fix his pay in the hierarchy of posts decided in his case earlier and to pay the resultant arrears without interest within a period of 2 months from the date of receipt of a copy of this order....”

18) That thereafter, the Union of India represented by the Secretary, Department of Personnel and Training and others approached the Hon'ble High Court of Punjab and Haryana at Chandigarh in CWP No.19387 of 2011 (O&M). The Hon'ble High Court of Punjab and Haryana at Chandigarh, in the order dated 19-10-2011, dismissed the CWP and issued orders at page 5 and 6 of the same, which reads as under:-

“... An order adversely affecting an employee in terms of grant of financial upgradations had already been passed which entailed civil consequences and as such CAT has rightfully proceeded to adjudicate for the petitioners to the effect that the earlier scheme of ACP stood superseded by MACP Scheme is being noticed only to be rejected. The entire objective of introduction of ACP/MACP Scheme is to alleviate stagnation as regards an employee who has a number of regular years of service on the same post without any avenue of promotion. It is such circumstances that a financial incentive is sought to be granted to an employee upon completion of a certain number of years of service on the same post. Under the ACP Scheme of 1999, the financial upgradations were to be granted upon completion of 12 years and 24 years of regular service whereas under the MACP Scheme such financial upgradations are envisaged upon completion of 10, 20 or 30 years of service, the contention raised on behalf of the petitioners if accepted would defeat the very objective for which such Schemes have been introduced.”

.....

“We find no infirmity in the order dated 31-05-2011 passed by CAT in OA No.1038/CH of 2010. The petition stands dismissed.”

19) That then the Union of India represented by the Secretary, Department of Personnel and Training and others approached the Hon'ble Supreme Court by way of filing SLP (SLP No.cc 7467/2013) challenging the order dated 19-10-2011 in CWP No.19387 of 2011 of the Hon'ble High Court of Punjab and Haryana at Chandigarh. The Hon'ble Supreme Court has dismissed the aforesaid SLP in the order dated 15-4-2013.

Photo copies of the aforesaid Court orders are enclosed herewith as **Annexure-2** for favour of your kind perusal please.

20) That in the meant time, one Sanjay Kumar, UDC and 18 other UDCs of the Central Government under the Ministry of Defence who are in the pay structure of PB-1(Rs.5200-20200)+Grade Pay Rs.2400 have approached the Hon'ble CAT, Principal Bench, New Delhi in OA No.904/2012 with the prayer for grant of 2nd MACP in the hierachy of promotional post i.e. Assistant in the PB-2 (Rs.9300-34800)+Grade Pay Rs.4200. The Hon'ble CAT, Principal Bench, New Delhi, in the order dated 26-11-2012, in the aforesaid OA relied upon the decision dated 19-10-2011 passed by the Hon'ble High Court of Punjab and Haryana at Chandigarh and in CWP No.19387 of 2011 (O&M) (Union of India and others Vs. Raj Pal and another) and the order dated 31-5-2010 passed by the Hon'ble CAT, Chandigarh Bench in OA No.1038/CH/2010, allowed the OA and issued orders as under :-

“7. In our considered view, the present OA is squaely covered by the aforesaid judgement of Chandigarh Bench, as upheld by the Hon'ble High Court of Punjab and Haryana at Chandigarh.

8. In fact, the respondents have wrongly interpreted the terms and conditions mentioned in the MACP Scheme, issued by the Deptt. Of Personnel and Training,

in the case of the applicants. By the said Scheme, the eligible government servants are to be placed in the immediate next higher grade pay in the hierarchy of the recommended revised pay bands and grade pay and not merely in the next higher scale of pay as per the recommendations of the 6th Pay Commission. In the hierarchy, after the scale of UDC the next scale is that of Assistant. Therefore, the respondents should have given the next higher grade pay and pay band attached to the next promotional post in the hierarchy, namely, the Assistants carrying the pay scale of Rs.9300-34800 and the grade pay of Rs.4200.

9. In view of above position, the OA is allowed. The respondents are directed to grant scale of pay of Rs.9300-34800 with grade pay of Rs.4200 attached to the said promotional post of Assistant / OS from the due date to the applicant.

10. The aforesaid direction shall be complied with within the period of two months from the date of receipt of a copy of the order, subject to the other conditions mentioned in the MACP Scheme.”

A photo copy of the aforesaid order dated 26-11-2012 issued by the Hon'ble CAT, Principal Bench, New Delhi in OA No.904/2012 in case of Sanjay Kumar, UDC and 18 others is enclosed herewith as **Annexure-3** for your ready reference please.

21) That the UDCs and other Ministerial Staff in Survey of India are similarly situated with the applicants of the aforesaid OAs in the matter of grant of MACP in the hierarchy of promotional post as such the MACP in case of UDCs and other Ministerial Staff may kindly be considered in the light of the spirit contained in the aforesaid judicial pronouncements which has attained its finality.

2. In view of the facts and circumstances submitted above, it is respectfully requested that necessary orders may kindly be issued to grant of the benefits of financial upgradations under MACP to LDC, UDC and Assistant etc. in their respective promotional hierarchy from their due date in the light of the decision passed by the Hon'ble CAT, Principal Bench, in the order dated 26-11-2012 in OA No.904/2012 in case of Sanjay Kuamr, UDC and others Vs. Union of India and others read with the order dated 31-5-2010 passed by the Hon'ble CAT, Chandigarh Bench in OA No.1038/CH/2010 the order dated 19-10-2011 upheld by the Hon'ble High Court of Punjab and Haryana at Chandigarh in CWP No.19387 of 2011 (O&M) (Union of India and others Vs. Raj Pal and another) and order dated 15-4-2013 passed by the Hon'ble Supreme Court in SLP No.cc-7467/2013 in this regard, in which act of your kindness, I shall be ever grateful to you.

Thanking you,

Yours faithfully,

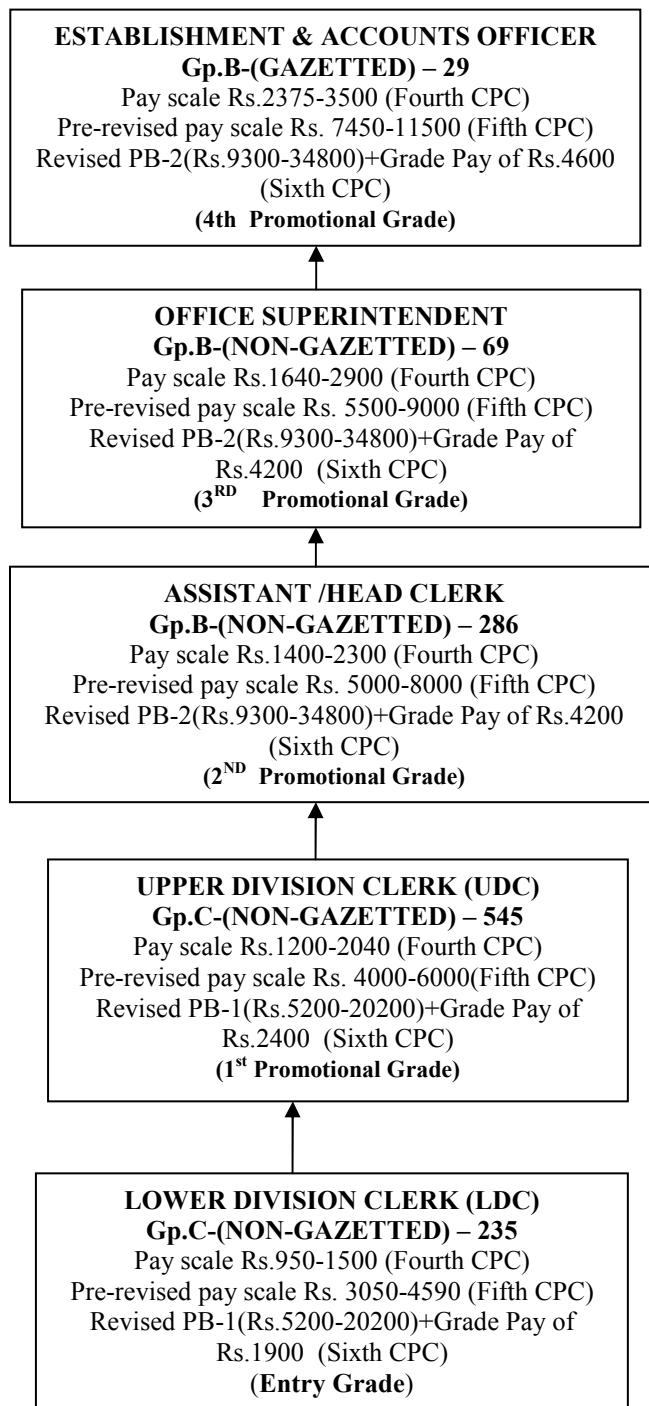
Encl. As above

(MANOJ KUMAR SHARMA)
SECRETARY GENERAL
MINISTERIAL STAFF ASSOCIATION

Advance copy to the Secretary, Department of Science and Technology (Ministry of Science and Technology), Technology Bhawan, New Mehrauli Road, New Delhi-110 016 for information.

Copy to Shri S.K. Vyas, Member National Council (JCM) and Member, Committee on MACP, C/oNC, JCM (Staff side) Office, 13-C, Ferozshah Raod, New Delhi-110 001 for information.

HIERARCHY CHART OF MINISTERIAL STAFF IN SURVEY OF INDIA



MINISTERIAL STAFF ASSOCIATION
SURVEY OF INDIA, CENTRAL HEADQUARTERS : DEHRADUN
C/o NPG , Hathibarkala Estate, Dehradun-248 001

No.CHQ- /MSA/2013

Dated 16-8-2013

To

All Branch Secretaries.

Dear friends,

It is learnt about the contents of decision dated 26-11-2012 passed by the Hon'ble CAT, Principal Bench, New Delhi in **OA No.904/2012** between **Sanjay Kumar, UDC and 18 others Vs. Secretary, MOD and 2 others** for grant of MACP in the hierarchy of the promotional post. On perusal of the same, it is found that the aforesaid judgement was relied upon the decision dated 31-5-2011 of the Hon'ble CAT, Chandigarh Bench in **OA No.1038/CH/2010** in the case of **Rajpal S/o Tilak Ram Vs. UOI and others** issued orders for grant of MACP in the hierarchy of the promotional post. The Hon'ble High Court of Punjab and Haryana at Chandigarh in their order dated 19-10-2011 in CWP No.19387/ 2011 has upheld the aforesaid decision dated 31-5-2011 of the Hon'ble CAT, Chandigarh Bench. I have received the copies of the aforesaid CAT, Chandigarh and High Court orders along with order dated 15-4-2013 on SLP No.cc-7467/2013 passed by the Hon'ble Supreme Court of India and the gist of these Court decisions are furnished as under:-

Sl. No.	OA No./ CWP No.	Parties	Date of Order	Name of Court	Remarks
1	OA No.1038/CH/2010	Raj Pal s/o Tilak Ram, Photo Copier in CAT, Chandigarh.	31-5-2011	CAT, Chandigarh	OA is allowed for grant of MACP in the hierarchy of promotional post.
2	CWP No.19387 of 2011 (O&M)	Union of India represented by DoP&T and others Vs. Raj Pal and another.	19-10-2011	High Court of Punjab and Haryana at Chandigarh	Order dated 31-5-2011 of Hon'ble CAT, Chandigarh is upheld. CWP filed by Respondents dismissed.
3	SLP No.cc-7467 of 2013 against order dated 19-10-2011 of the Hon'ble High Court	Union of India represented by DoP&T and others Vs. Raj Pal and another.	15-4-2013	Supreme Court of India	SLP filed by the Union of India is dismissed.
4	OA No.904/2012	Sanjay Kumar, UDC and 18 others Vs. UOI represented by Ministry of Defence and others.	26-11-2012	CAT, Principal Bench, New Delhi.	OA is allowed for grant of MACP in next promotional post i.e. Assistant in PB-2+Grade Pay Rs.4200.

2. Accordingly, model draft representation addressing to the SG which was prepared by Com. P.K. Das, Secretary, Bhubaneshwar Branch & Dy.Secy General(CHQs) should be submitted by the UDCs preferably who are having 10 years of service as UDC or total 20 years service as LDC and UDC for consideration and grant of MACP in hierarchy of the promotional post i.e. pay structure of Assistant. In case of UDC having lesser service, they may also submit the representation with modifications. You are requested to arrange in submitting the same to the authorities through proper channel and intimate the same to me for information and further action.

3. In this connection you are also requested to kindly visit our website to know the content of my letter written to DST in the matter for your information.

4. In the mean time, we have discussed the matter with Com. S.K. Vyas, Member National Council (JCM) and Member of the Joint Committee on MACP and requested him to take up the issue with DoP&T / in next meeting of Joint Committee on MACP which is likely to be held during September, 2013.

Thanking you,

Yours sincerely,

(MANOJ KUMAR SHARMA)
Secretary General.

