

F.No. 35034/3/2015- Estt.(D)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated; 30th September, 2020

OFFICE MEMORANDUM

Sub:- Cases pending or decided by Hon'ble High Courts/Tribunals regarding preponement of effective date of Modified Assured Career Progression (MACP) Scheme - reg.

The undersigned is directed to say that the matter relating to grant of benefits w.e.f. 01.01.2006 instead of w.e.f. 01.09.2008 under the MACP Scheme to civilian Central Government employees is presently sub judice before the Hon'ble Supreme Court of India in a number of cases tagged with SLP Nos. 10811-10813/2018 in the matter of Union of India Vs. Shri Ranjit Samuel, and that all similar matters are being heard together by the Hon'ble Apex Court.

2. A large number of references are being received in this Department based on orders of the Hon'ble Tribunals (CAT Benches) and Hon'ble High Courts seeking advice on implementation of such orders allowing grant of benefits under the MACP Scheme from 1.1.2006, as against 1.9.2008, the date provided in the MACP Scheme.

3. Since such orders of Hon'ble Tribunals/High Courts are at variance with the extant MACPS guidelines and for the fact that the primary issue of date of effect of MACPS is sub judice before the Hon'ble Supreme Court of India, this Department is constrained to advise various Ministries/Departments to either seek review or agitate the matter in higher courts, by challenging such orders.

4. Accordingly, Ministries/Departments are, therefore, advised to defend such cases or challenge the orders (where decision has been taken by the Hon'ble Tribunal/High Court) contrary to MACPS guidelines, by bringing the fact that the issue is pending before the Hon'ble Supreme Court of India, to the notice of Hon'ble Tribunals/High Courts.


(Rajesh Sharma)


Under Secretary to the Government of India

To

All Ministries/Departments of 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. PS to MOS(PP) for information to Hon'ble MoS(PP).
7. All Staff Side Members of the National Council (JCM).
8. NIC [for uploading this OM on the website of DOPT (ACP)].
9. Hindi Section, DoPT for Hindi Translation.


(Rajesh Sharma)

Under Secretary to the Government of India