



कार्यालय ,रक्षा लेखा नियंत्रक ,गुवाहाटी
उदयन विहार ,गुवाहाटी 781171 –
Office of the Controller of Defence Accounts Guwahati
Udayan Vihar, Guwahati – 781171
दूरभाष- 0361-2640394/2641142 फ़ैक्स- 0361-2640204/2640810

15
YEARS OF
CELEBRATING
THE MAHATMA

No. PAY/ORDER/CIRCULAR/VOL.I

Dt: 19 /09/2019

To

1. The O.i/c,
AN-III Section(Local)
2. The O.i/c,
ORs Cell(Local)
3. Area Accounts Office
Biver Road, Shillong- 793001
4. All LAOs/ALAOs
(Through Website)
5. All AO GEs/AGEs
(Through Website)

Sub: Representation Regarding MACP

उपरोक्त विषय पर DoP&T OM No. 35034/3/2019-Estt-(D) दिनांक 27 फरवरी 2019 जो मुख्यालय कार्यालय के पत्र संख्या . ले.प./सेना/ वेतन सिवि।/वीआई सिपीसी/आदेश दिनांक: 09/09/19 के द्वारा परिचालित पत्र आपके आवश्यक सूचना, दिशानिर्देश व अनुपालन हेतु भेजा जाता है !

Please find enclosed a clarification vide DoP&T OM No. 35034/3/2019-Estt-(D) dated 27 February 2019 circulated by HQrs Office vide No. . ले.प./सेना/ वेतन सिवि।/वीआई सिपीसी/आदेश दिनांक: 09/09/19 is forwarded herewith for your information ,guidance and compliance please.

लेखा अधिकारी (वेतन तकनीकी)

Copy to :

The O.i/c, EDP Section(Local) :

For information with a request to upload the above on CDA Guwahati Website.

लेखा अधिकारी (वेतन तकनीकी)



रक्षा लेखा महानियंत्रक कार्यालय

उलान बटार रोड, पालम, दिल्ली छावनी 110010-
Office of the Controller General of Defence Accounts
Ulan Batar Road, Palam, Delhi Cantt-110010
Website: www.cgda.nic.in



परिपत्र

8/9/19 Tech

सं: ले.प./सेना/वेतन सिवि./VI सीपीसी/आदेश

दिनांक: 09/09/2019

सेवा में,

रक्षा लेखा प्रधान नियंत्रक/ रक्षा लेखा नियंत्रक

गुवाहाटी

बिषय: Representation Regarding MACP Scheme

उपर्युक्त बिषय पर DoP&T OM NO. 35034/3/2019-Estt-(D) दिनांक 27, फरवरी 2019 के माध्यम से प्राप्त स्पष्टीकरण की प्रति सूचना, मार्गदर्शन एवं अनुपालन हेतु अग्रेषित की जाती है।

A clarification received vide DoP&T OM NO. 35034/3/2019-Estt-(D) dated 27 Feb 2019 on the above subject is forwarded herewith for your information, guidance and compliance please.

संलग्नक: यथोपरि

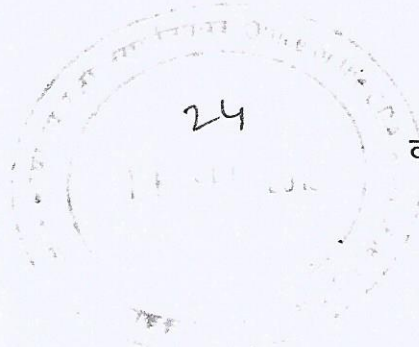
(दलीप साबनी)

वरि.लेखाधिकारी (सेना)

प्रतिलिप:

1. प्रभारी अधिकारी
एएफ/डीआरडीओ अनुभाग
2. प्रभारी अधिकारी
Navy/Fys/CG अनुभाग

सूचना एवं आवश्यक कार्रवाई हेतु।



(दलीप साबनी)
वरि.लेखाधिकारी (सेना)

Tele: 23019018

Dte Gen of Personnel/CSCC
Engineer-in-Chief's Branch
Integrated HQ of MoD (Army)
Kashmir House, Rajaji Marg
New Delhi-110011

B/77027/MP/MLA/VIP/CSCC

07 Aug 2019

ADG (D&C) Range Hills Rd, Kirkee, Pune-411003
ADG(Coast Guard & Projects) Chennai-600009.
ADG(NEI) Guwahati, Pin781027, C/o 99 APO
ADG(North) Jammu C/o CWE(AF) Jammu, Pin-937256
CME Pune, Pin-908797
Chief Engineer Central Command, Pin-908544
Chief Engineer Northern Command, Pin-908545
Chief Engineer Western Command, Pin-908543
Chief Engineer Eastern Command, Pin-908542
Chief Engineer Southern Command, Pin-908541
Chief Engineer South Western Command, Pin-908546



REPRESENTATION REGARDING MACP SCHEME

1. Reference

- (i) DoP&T OM No. 35034/3/2019-Estt-(D) dated 27 Feb 2019.
- (ii) Application of Sh Arun Kumar Sharma, Draughtsman O/o CWE Bikaner dated 15 Dec 2018.

2. A clarification regarding ACP/MACP scheme received from DoP&T is enclosed herewith for disposing the cases of ACP/MACP accordingly at your end please.

Encl : As above.

Copy to:-

MoD D(Works-II)

✓ **CGDA, New Delhi**

Internal Copy to:-

CRO (O) Delhi Cantt

E1DPC

E1DPC (PP&Sub)

Madan Lal
(Madan Lal)
Jt Dir (Pers), CSCC
For E-in-C

696
30/08/19

Dy No. 1351516/19/CR

F.No.35044/3/2019-Estt-(D)

Government of India

Ministry of Personnel, Public Grievances & Pensions

Department of Personnel & Training

North Block, New Delhi

Dated: 27.02.2019

OFFICE MEMORANDUM

Sub: Representation regarding MACP Scheme.

The undersigned is directed to forward herewith a letter (in original) dated 15.12.2018 from Shri Arun Kumar Sharma on the subject of MACP and to say that the recommendations of the 6th CPC were accepted by the Government only on 29.08.2008 (30.08.2008 in case of PBOR). The recommendations of the 6th CPC were required to be examined and a Scheme was to be formulated in consultation with Department of Expenditure and the same took considerable time for its implementation. Before implementation of the Scheme, a cut off date had to be decided / fixed. Accordingly, the Government has taken a conscious decision for implementing the MACPS w.e.f 01.09.2008. Though the MACPS came into existence only w.e.f 01.09.2008, the benefits of the existing ACP Scheme of August, 1999, was allowed to the Government servants upto 31.08.2008.

2. VI Pay Commission recommended separate Schemes for Civilian and the Defence Personnel. After the recommendations were considered and approved by the Cabinet, D/o Expenditure issued Resolution dated 29.08.2008 in respect of Civilian employees. Ministry of Defence issued Resolution dated 30.08.2008 regarding extension of VI CPC benefits to Armed Forces Personnel. Thus the Civilian and the PBOR personnel are governed by two different Resolutions/ two different MACP Schemes.

3. The instant order of Hon'ble Supreme Court is in the context of MACP Scheme issued by Ministry of Defence with regard to PBOR and hence the order of Hon'ble Apex Court is not applicable to the MACP Scheme issued by DoP&T for civilian employees.

4. However, In case, clarification/interpretation of any of the rule position is required, the proposal may be referred to this Department in accordance with the procedure laid down in this Department's OM No.43011/9/2014-Estt-(D) dated 28th October, 2015 through a self contained note giving full facts connected with the case in a file and with the approval of Secretary of the Administrative Ministry.

Encl. As above

The Secretary,
Ministry of Defence,
South Block, New Delhi

Copy to:

Shri Arun Kumar Sharma, Draughtsman, O/o CWE Bikaner. It is advised that future correspondence in the matter if any may be directly made to Ministry of Defence which is the concerned Administrative Ministry.

(Kuldeep Chaudhary)
Section Officer
Tel. No. 23040398

From :
MES-169744
Name - Arun Kumar Sharma
Desg- Draughtsman
Oro - CWE Bikaner

To :-

The Engineer in Chief
Military Engineer Service
Dte of Director General (Pers),
E-in-C's Branch
HQ of MoD (Army)
Kashmir House, Rajaji Marg
New Delhi 110011

(Through proper Channel)

GRANT OF 2ND FINANCIAL UPGRADATION UNDER ACP
SCHEME TO DRAGT/TECH OFFERS

Respected Sir,

1. Reference to judgment of CAT Ernakulam bench CP (C) No 109/2017 in O.A No. 644/2014 Judgment of Karnataka High Court in writ petition Nos 24894-24908 of 2016 (S-CAT) regarding ACP for the intervening period between 01 Jan 2006 and 31 Aug 2008 and extending benefits till 21 Aug 2009.
2. Reference to Judgment of Hon'ble Bombay High Court in respect of writ petition No- 1793 of 2013 & Judgment of Hon'ble Supreme Court dt 05 Dec 2017 in civil appeal diary No 3744 of 2010
3. I hereby submit following few lines as a humble submission for your kind consideration please :-

- (i) Reference above Cat Ernakulam bench CP(C) No 109/2017 in O.A No 644/2014, DG(Pers) Military Engineer Services, E-in-C's Branch, Kashmir House, Rajaji Marg, New Delhi issues multiple letters are as under :-
- (a) First letter subject GRANT OF SECOND FINANCIAL UPGRADATION UNDER ACP SCHEME IN RESPECT OF DRAGT/TECH OFFER WHO HAVE COMPLETED 24 YEARS OF REGULAR SERVICE DURING INTERVENING PERIOD BETWEEN 01 JAN 2006 TO 31 AUG 2008 AND THIRD FINANCIAL UPGRADATION UNDER MACP SCHEME AFTER COMPLETION OF 30 YEARS OF REGULAR SERVICE VIDE LETTER No. CG-3/80010/7/MACPD/MAW6TH CP/CISCU DATED 21 APR 2017.
- (b) Second letter subject GRANT OF 2ND FINANCIAL UPGRADATION UNDER MACP SCHEME IN RESPECT OF DRAGT/TECH OFFER WHO HAVE COMPLETED 24 YEARS OF REGULAR SERVICE DURING THE INTERVENING PERIOD OF 01 JAN 2006 TO 31 AUG 2008 IN THE PRE REVISED PAY SCALE OF 15600-39100, GP 6600 OF MILITARY ENGINEER SERVICE UNDER MINISTRY OF DEFENCE.
- (c) Third letter was issued with subject CP(C) NO 109/2017 IN O.A NO 644/2014 FILED BY SMT USHASHREE G. TECH OFFER & OTHERS V/S UOI & OTHERS AT HON'BLE CAT ERNAKULAM VIDE LETTER NO 8/150006-110/840/E1C/L-11/01 DATED 15 JAN 2018 & AS PER APPENDIX 'A' OF DGO (PERS)/DPOC LETTER NO B43021ACPD/MAW & 10/E/DPOC DATED 15 JAN 2018 SUBJECT PANEL HAD GRANTED BENEFITS OF 2ND ACP TO MES/190015 SMT USHASHREE G. MES/167034 SMT LALI N JOY & MES/149525 EX FRANCES WEF 04 JAN 2007, 26 FEB 2007 & 14 OCT 2008 RESPECTIVELY

- (d) As per Para No. 13 & 14 of the Hon'ble Bombay high court judgment pronounced on 15 Oct 2018 in respect of writ petition No 1793 of 2013 It is clarified that MACP is part of the pay structure and not merely some allowance, it is also clarified that as per terms of clause (i) of the Centre Government's resolution, admittedly the pay components which become payable with effect from 1st January 2006 unlike the allowance component which become payable from 1st September 2008 & as per Hon'ble Supreme Court judgment dated 05 Dec 2017 Para No. 2 (Continued)

1351516/19/10/20
B. N. S.

judgment for all similar cases. It is stated that the appeal in APT earlier in which the stand of the Government was that the MACP was applicable only w.e.f. 01 Sep 2008, which was challenged by the APT in order dated 21 May 2014. In terms of clause (f) of government resolution the MACP was payable w.e.f. 01 Jan 2006 and as per judgment of Hon'ble SC it was again clarified by Hon'ble Supreme Court that pay scales grade pay etc. will apply from 01 Jan 2006 and this is decision of the cabinet. This decision could not have been modified by issuing executive instructions. The letter dated 20 May 2011 is a flaw on face of cabinet decision reflected in the resolution dated 17 Aug 2006.

4. As per above judgment of hon'ble Supreme Court and Bombay High Court, now it is clear that date of ACP effect ends as on 31 Dec 2005 & as per cabinet decision and resolution for 6th CPC date of MACP is in effect from 01 Jan 2006. Hence there is no entity of intervening period of 01 Jan 2006 to 31 Aug 2008 while they have already got the benefits of MACP as per 6th CPC w.e.f. Sep 2008 (although as per hon'ble Supreme Court clarification MACP was due from 01 Jan 2006 as per resolution of 6th CPC passed by cabinet and giving ACP benefits to all effected benefits after 31 Dec 2005 is not appropriate as per 6th CPC resolution issued by govt of India, hon'ble Supreme Court decision.

5. In the light of above facts it is hereby requested that the benefits of 2nd ACP may please be granted to either all the indis who have completed 24 years of regular service even after 31 Aug 2008 to the date of pronouncement of Judgment of Hon'ble Supreme Court or the above orders for 2nd ACP and 3rd MACP may please be kept in abeyance till further clear orders of DoPT & Govt of India in the light of Hon'ble Supreme Court decision. The date of effect of ACP & MACP to avoid any unwanted litigation in future please.

Thanking you sir,

You're sincerely

Copy to :-

[Signature]
15/12/18

1. Govt of India, Min of Finance, Dept of Expenditure R & I Branch, North Block New Delhi - 110011
2. Smt Nirmala Sitharaman, Room No 104, South Block, New Delhi-110016
- ✓ 3. Ministry of Personnel, PG and Pensions
Department of Personnel Training,
North Block, New Delhi - 110011
4. Chief Engineer Central Command
M G Marg, Dilkusha, Lucknow Uttar Pradesh - 226002
5. Chief Engineer Northern Command
Udhampur, Jammu-182101
6. Chief Engineer Western Command
Sector 36, Chandigarh-160036
7. Chief Engineer South Western Command
Bani Park, Jaipur-302016
8. Chief Engineer Eastern Command
Fort William, Parade Ground, Kolkata, West Bengal-700021
9. Chief Engineer Southern Command
Pune, Maharashtra - 411001
10. CGDA New Delhi