

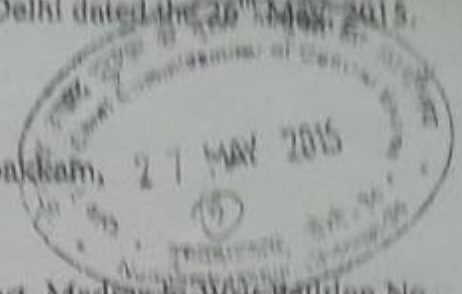
Most Immediate
Court Matter

F. No. A-23011/25/2015-Ad.IIA
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise and Customs

North Block,
New Delhi dated the 26th May, 2015.

To,

The Chief Commissioner of Central Excise,
Chennai Zone, 26/1, M. G. Road, Nungambakam,
Chennai - 600 034



Subject: Order dated 08.12.2014 Of Hon'ble High Court, Madras in Writ Petition No. 19024 of 2014 & M.P. No. 1 of 2014 filed by Shri R. Chandrasekaran Supdt. against order dated 24.02.2014 in OA No. 675 of 2013 passed by Hon'ble CAT, Madras bench.

Sir,

Please refer to your Commissionerate's letter C.No.1/10/12/2013-CAT dated 16.02.2015 on subject mentioned above.

2. The issue has been examined in consultation with Department of Personnel & Training (Estt.D), As directed by Hon'ble High Court, Madras vide order dated 08.12.2014 in Writ Petition No. 19024 of 2014 & M.P. No. 1 of 2014 filed by Shri R. Chandrasekaran. DoP&T has opined that since Shri R. Chandrasekaran got only one promotion and 2nd ACP in the grade pay of Rs. 5400/- in his service career prior to implementation of MACP Scheme w.e.f. 01.09.2008, he is entitled to the grant of 3rd MACP in the grade pay of Rs. 6600/- under MACP Scheme w.e.f. 04.06.2012 on completion of 30 years of service. A copy of DoP&T's opinion is enclosed.
3. You are, therefore, requested to implement Hon'ble High Court's order dated 8.12.2014 and file compliance report before Hon'ble High Court, Madras Bench.
4. The Board may be apprised of the action taken in the matter.

Yours faithfully,

A. K. Qasim
(A. K. Qasim)

Encl: As above

Dy. Secretary to the Government of India
Tele: 011-23095530

... their I.O. No. Coord/

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Department of Personnel & Training
Establishment (D)

Dy. No. 1078183 CR 15

[F.No.A-23011/25/2015-Ad.IIA of D/o Revenue]

Reference notes at pre-pages.

2. The referring Department has referred the file along with their views in compliance of the Order dated 08.12.2014 in the WP No. 19024/2014 passed by Hon'ble High Court of Madras directing therein the DOPT to consider the issue once again related to count of non-functional scale for the purpose ACPS.

3. The brief of facts provided by the referring Department are as below:-

- (i) Shri R. Chandrasekaran joined the service of Customs and central excise department in 4th June, 1982 as directed recruit Inspector.
- (ii) He was promoted to the grade of Superintendent in April 2001.
- (iii) He was granted 2nd financial upgradation under ACP Scheme with effect from 04.06.2006 and placed in the pay scale of Rs. 15600-39100 in PB-3 with grade pay of 5400.
- (iv) He got 3rd financial upgradation under MACP scheme w.e.f. 04.06.2012 on completion of 30 years of service but the same was not allowed by PAO office raising an objection that the applicant and some others had been given Non functional grade of Rs. 5400 in PB-2 as on 01.01.2006 which ought to be counted as financial upgradation under MACP Scheme.

4. The matter has been examined as per the facts provided by the referring Department and in terms of rules/ provisions under the ACP/MACP Scheme. In this regard, it is stated that since Shri R. Chandrasekaran got only one promotion and 2nd ACP in grade pay of Rs. 5400 in his service career prior to implementation of MACP scheme w.e.f. 01.09.2006, he is entitled to the grant of 3rd MACP in the grade pay of Rs. 6600 under MACP scheme w.e.f. 04.06.2012 on completion of 30 years of service.

Director (E-I)

Murugan
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05/05/15
SO(D)