

URGENT

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**Most Immediate/
CAT Matter,
By Fax/Speed Post.**

**F. No.A-23011/29/2010-Ad.II-A
Government of India
Ministry of Finance
Department of Revenue
CBEC/Ad.IIA.**

ADCL PRO

To

New Delhi, the 25th February, 2011.

The Chief Commissioner of Central Excise,
Chennai.

Subject:- OA No. 821/2010 filed by Sh. S.Ramachandran, Supdt. of
Central Excise (Retd.) before Hon'ble CAT, Madras Bench
and other similar OAs No. 930, 931 and 1098/2010.

Madam,

In continuation of this Department letter of even no. dated
18/02/2011 and with reference to letter dated 21st February, 2011,
from Sh. K.Ravi Anantha Padmanaban, Addl. Central Govt. Standing
Counsel, Chennai (copy enclosed), I am directed to say that the matter
had been further taken up with the Department of Personnel &
Training.

2. The Department of Personnel & Training has finally advised as
under :-

" It may be clarified that, prior to introduction of MACPS, the
benefits of 1st and 2nd financial upgradations under the ACPS of August,
1999 had been granted in the promotional hierarchy w.e.f. 09.08.1999
or on completion of 12 and 24 years of regular service. The benefits of
ACPS of August, 1999 had been allowed till 31.08.2008. However, as
per the recommendations of 6th CPC, three financial upgradations have
been allowed under MACPS w.e.f. 01.09.2008 or on completion of 10,20
and 30 years of continuous regular service, whichever is later, in the
immediate next higher grade pay in the hierarchy of recommended
revised pay bands and grade pay as prescribed in the CCS(RP) Rules,
2008 provided that the Government official has not earned three
promotions during the period.

The pay structure on the recommendations of 6th CPC has been
made effective w.e.f. 01.01.2006 vide Department of Expenditure's
Notification dated 29.8.2008. The benefits of financial upgradation in
the promotional hierarchy under the ACPS have, however, been allowed
in the revised pay structure during the period between 01.01.2006 and
31.08.2008 in terms of clarification given on point of doubt no. 3 of
Annexure of DOPT's O.M. dated 09.09.2010.

-2:-

As per the recommendations of 6th CPC, Superintendents in Department of Revenue with 4 years of regular service in that grade are eligible for Non-functional Grade in the grade pay of Rs. 5400 in PB-2 in the corresponding pay band w.e.f. 01.01.2006.

The benefits of ACPS of August, 1999 have been allowed till 31.08.2008 and only functional promotion(s) is/are counted for the purpose of Scheme. Besides, there is no provision for counting of 'Non-functional scale' for the purpose of ACPS.

In view of the above facts and circumstances, there would be no effect on grant of 'Non-functional scale' in the PB-2 with grade pay of Rs. 5400 during the period between 01.01.2006 to 31.08.2008, as the same is not counted under ACPS and it would not be offset against financial upgradation under the Scheme. However, in terms of para 8.1 of Annexure of MACPS, financial upgradation granted in the grade pay of Rs. 5400 in PB-2 and PB-3 would be counted separate upgradation and would be offset against financial upgradation under the Scheme."

3. You are requested to file reply in the above referred OAs on behalf of all the respondents before the Hon'ble CAT, on the basis of advice given by DOP&T in the matter, in consultation with Govt. Counsel well before the next date of hearing i.e. 28/2/2011. This Department may please be apprised of the development in the matter.

Yours faithfully,



(Joseph Antony)

Under Secretary to the Govt. of India
Tel. No. 23095529

Encl: As above.