

ARTEE's View on Verdict in OA 2479/2015

Dear members, as you are aware based on the MIB clarification dated 08.09.2014 which held that the scales granted vide 25.02.99 have to be counted as upgradation for MACP granting purpose, the department tried to withdraw and recover the MACP benefits granted before 2015. The MIB order is based on the advice by DoPT in 2013,

To save Members from Recoveries and downgradation, ARTEE filed OA.No. .2479/2015 in Delhi CAT on 10.07.2015, against this illegal, arbitrary and discriminatory order. On 27.07.2015, Hon'ble CAT gave absolute stay on recoveries.

On 01.12.2017, in the hearing of the MA filed by department to vacate the Stay, the Hon'ble CAT refused to vacate the Stay, disposed the MA by the department and allowed the OA of ARTEE.

Now the much awaited decision in the case (OA. 2479/2015) filed by ARTEE with a prayer to squash the MIB clarification dated 08.09.2014 is out. Even though the Court rejected the government plea to vacate stay on recovery granted to us and our prayer is allowed by the CAT thereby squashing the MIB order, it is now subjected to Court orders in a similar case (Syamali Biswas case) which is pending in a higher Court, ie Delhi High Court.

It is pertinent to mention that Smt. Shyamli Biswas filed OA 1118/2015 in individual capacity prior of our case. Her OA was also allowed.

But the unfortunate fact is that in the case in Delhi High Court, through the interim order dated 11.04.2017, the Delhi High Court has stayed the operation of the favorable CAT order in Syamali Biswas case. It is a usual practice that a case in a lower court is made subjected to the decision of a similar case in higher Court and we are bound to accept it.

On 13.12.2017, ARTEE Leadership had a meeting with our Advocate and as per him it is implied in the verdict of Shaymli Biswas case that 25.02.1999 scales are Revision and not Upgradation.

Meanwhile PSA had got a favorable verdict from Hon'ble High Court for ACP for PEXes which is implemented also. The case is based on Clarification 35 of ACP dated 2011 which clearly says that any en masse upgradation without any change in designation has to be ignored for ACP.

We are in touch with PSA and ADP3 Office bearers as they have also filed OAs 2596/2015 (ADP3) and OA 3046/2015 (PSA) followed by us. ARTEE will move very cautiously with best available option since the issue is very sensitive and very important for all of us as it will affect 18000 Employees.

[Click here for the Verdict in OA 2479/2015 by ARTEE](#)

[Click here for the Verdict in OA 1118/2015 by Shaymli Bishwas](#)

Central Office