

GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

No.10818/Lab/SW/A1/2017/1130

Puducherry dated 13 OCT 2017

ORDER

Sub: Lab - SW - O.A. No.310/1265/2017 filed by Thiru.
D. Pakkirisamy, Vocational Instructor before the Hon'ble
Central Administrative Tribunal, Madras Bench -
Speaking order - Issued - Reg.

Ref: Order dated 4.8.2017 in O.A. No.1265/2017 of Central
Administrative Tribunal Madras Bench.

WHEREAS, Thiru D. Pakkirisamy, Vocational Instructor, Govt. ITI for Men, T.R. Pattinam, Karaikal has filed an application before the Hon'ble CAT, Chennai in O.A.No.310/1265/2017 seeking directions to grant II and III financial upgradations with Grade Pay Rs. 4600/- and Rs.4800/- w.e.f. 1.9.2008 and 10.3.2013 respectively, against the I and II financial upgradations already granted to him with Grade Pay Rs.2000/- and 2400 w.e.f. 1.9.2008 and to give all consequential benefits arising there from including arrears of pay and to pass such other orders deemed to be fit in the facts and circumstances of the case;

2. AND WHEREAS, vide order dated 4.8.2017, the Hon'ble CAT, Chennai directed the respondents to consider the representation of the applicant dated 11.4.2017 and pass a reasoned speaking order in accordance with law within a period of two months ;

3. AND WHEREAS, as directed by the Hon'ble CAT, Chennai the representation of the applicant dated 11.4.2017 has taken up for consideration;

4. AND WHEREAS, as per the conditions envisaged in the implementations of MACPS, a Govt. Servant is eligible for only three financial upgradations from date of his/her direct entry grade on regular basis on completion with the interval of 10, 20 and 30 years service respectively. As per the norms, the first financial upgradations under MACPs will be admissible whenever a person has spent 10 years continuously in the same Grade Pay without any promotions, the second

upgradation after completion of 10 years service from the date of first financial upgradation. The third upgradation after completion of 10 years of regular service from the date of the second financial upgradation.

5. AND WHEREAS, the petitioner Thiru. D. Pakkirisamy was initially appointed as Construction Helper in the Electricity Department, Puducherry on 10.3.1983 in the scale of pay of Rs.5200 -20200 with grade pay of Rs.1900 and subsequently promoted to the post of Workshop Attendant on 25.5.1998 in the Labour Department, Puducherry in the identical pay scale of Rs.5200 -20200 with grade pay of Rs.1900. Since the incumbent has been stagnated in the same Grade Pay of Rs.1900 in the hierarchy of the pay structure for more than twenty years from the date of his initial appointment without any promotion, he has been granted First and Second Financial Upgradations to the Grade Pay of Rs.2000 and Rs.2400 in the hierarchy pattern respectively w.e.f. 1.9.2008 (the date of implementation of the scheme). Thereafter he was promoted to the post of Vocational Instructor on regular basis on 3.3.2010 in the Pay Scale of Rs.9300 -34800 with Grade Pay of Rs.4200. Thiru. D. Pakkirisamy had already been granted Two Financial Upgradations and one Promotion within the 30 years of his service. Hence, no further Financial upgradation to be granted to him.

6. AND WHEREAS, the petitioner Thiru. D. Pakkirisamy in his representation dated 11.4.2017 has requested to grant II and III financial upgradations with Grade Pay of Rs.4600 and Rs.4800 w.e.f. 1.9.2008 and 10.3.2013 respectively is not appropriate in accordance with the norms prescribed for granting financial upgradations under MACPs.

7. AND WHEREAS, Financial Upgradation under the MACPS shall be purely personal to the employee and shall have no relevance to his seniority position. As such, there shall be no additional financial upgradation for the senior employees on the ground that the Junior employee in the grade has got higher pay / Grade Pay under the MACPS". Hence, the statement of the petitioner in his representation has mentioned that his junior Thiru. S. Parthiban is drawing more emoluments than his pay does not relevance to the fact and circumstance of this case.

8. NOW, THEREFORE, in total obedience to the Hon'ble Tribunal's Order dated 4/08/2017, the representations dated 11.4.2017 made by applicant has been considered in accordance with the provisions of the Implementations of Modified Assured Career Progression Scheme and his request to revise his pay with Rs.4600 and Rs.4800 as II and III Financial Upgradations under MACPS with effect from 1.9.2008 and 10.3.2013 respectively is not relevant to the norms prescribed for MACPS, as the applicant has already been granted I and II Financial Upgradations with the Grade Pay of Rs.2000 and Rs.2400 in the hierarchy pattern respectively w.e.f. 1.9.2008 and subsequently offered promotion to the post of Vocational Instructor on 3.3.2010 with the Grade Pay of Rs.4200/-. Hence, his request could not be considered.

This order is issued in compliance of the order of the Hon'ble Central Administrative Tribunal, Madras Bench in O.A.No.310/1265/2017 dated 4.8.2017.

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(E. VALLAVAN)

ADDITIONAL SECRETARY TO GOVT. (LABOUR)

TO
Thiru.D. Pakkirisamy,
Vocational Instructor,
Govt. ITI for Men,
T.R. Pattinam, Karaikal

Copy to:
Thiru R. Syed Mustafa,
Government Pleader,
Central Administrative Tribunal (CAT)
Service Matters (Writs) for
Govt. of Puducherry,
High Court Chambers, Chennai.