

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
SERVICES DEPARTMENT-(ACP CELL)
A WING, 5TH LEVEL, DELHI SECRETARIAT,
NEW DELHI-110002
(<http://services.delhigovt.nic.in>)

No. F. 7(111)/2018/ACP Advice/Services/ 1136
To

Dated: 08/12/19

All Head of Departments,
Govt. of NCT of Delhi,
New Delhi

Sub: Clarification regarding review/grant of MACP benefits after not treating of 'Non Functional Scale (NFS)' in the Grade Pay of Rs. 5400/-(PB-3) as a financial upgradation for the purpose of MACP benefits.

Madam/Sir,

This Department is in receipt of several representations from DASS/Steno/Adhoc DANICS officials/ Officers requesting for not treating grant of 'Non Functional Scale (NFS)' in the Grade Pay of Rs. 5400/-(PB-3) as a financial upgradation under the MACP scheme in the light of Hon'ble Delhi Court judgement dated 20.12.2017 in the matter "Sh. Hari Ram & Anr. v/s Registrar General, Delhi High Court."

The matter was examined in consultation with Finance Department, Govt. of NCT of Delhi and, thereafter referred to DoPT, Govt. of India, through Ministry of Home Affairs, Govt. of India, for clarification.

The advice so received through Govt. of India, Ministry of Home Affairs, vide their Letter No. F.No. 14012/15/2018-Delhi-I dated 20.09.2019 is enclosed for information of all concerned and further action accordingly.

This issues with the approval of the Competent Authority.

Encl: As above.

Yours faithfully,


6/12/19

(Ajay Kumar Chawla)
Dy. Secretary(Services)

May be uploaded on the
website of the Dept. for
wide circulation.

S.O (Coordination)

Sh. Manoj



09/12/19

S.O (ACP Cell)

261/c

F.No. 14012/15/2018-Delhi-I
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

23 SEP 2019

North Block, New Delhi-I
Dated the 20th September, 2019

To No. SAD/2019/45305

The Chief Secretary,
Govt. of NCT of Delhi,
Delhi Secretariat, I.P. Estate,
New Delhi.

OFFICE OF THE CHIEF SECRETARY,
GOVT. OF NCT OF DELHI

12 SEP 2019

Sub:- Reg. clarification on requests for grant/review of MACP benefits w.e.f. 01.01.2006 and non-treating of 'Non Functional Scale(NFS)' in the Grade Pay of Rs. 5400/-(P.B-3) as a financial upgradation for the purpose of MACP benefits.

Sir,

I am directed to refer to GNCTD's letter No. F.No. 7(111)/2018/ACP Advice/Services/822 dated 01.11.2018 on the above mentioned subject and to say that the matter has been examined in this Ministry. The advice of DoP&T as received is enclosed herewith for further necessary action in the matter.

Yours faithfully,

Encl: as above

(C.P. Vinod Kumar)
Under Secretary to the Government of India
Tel: 23093608

30/9/19
38/S-1) on file
01/10/19
1208-ACP
03/10/19
PR. P.O. 2
2/10/19
SO(ACP)
03/10/2019

Sh. Malik

- 19 -

260/c

Department of Personnel & Training
Establishment (D)

D.No.1390105/19/Secy (P)

Reference notes at pre-pages.

2. The matter has been referred by M/o Home Affairs on the issue related to non-treating of 'Non Functional Scale (NFS) in the Grade Pay of Rs.5400/- (PB-3) as financial upgradation for the purpose of MACP benefits.

3. In this regard, it may be stated that as per MACP scheme, three financial upgradations to be granted on completion of 10, 20 and 30 years of service from the date of entry or whenever a person spends 10 years in the same grade pay. It may also be added here that every financial upgradation including non-functional grades granted have to be treated as an offset against one financial upgradation under the scheme.

4. The Administrative Ministry may be advised that status quo is to be maintained with regard to Govt. policy. However, so far as the CAT's Orders as referred by the referring Department is concerned, it is informed that Judgements pronounced favouring the applicants by the Hon'ble Tribunal/Courts may be taken as exceptions / aberration and such orders have implemented on attaining finality or due to contempt or due to any other reason. Generally the judgment passed by any Hon'ble Court of Law is applicable to specific case only unless there is specific direction from the Court to extend similar benefits to other persons. X

5. In view of above, the Administrative Ministry is advised to examine the matter in terms of the above provisions under MACP Scheme.

Pltho
09/09/2019

DS (E-I)

S.O. (D)

We may advise MHA that there is no change in the policy guidelines of MACP scheme. Therefore, in view of X above, the case may be examined in the light of extant instructions.

JS (Estt.)

S. Sanyal
13/9

Brass 11/9/19

DS (Estt.)

S.O.
16/9

21/11/19
En B.

M/o Home Affairs.