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the scheme. The employee in the lower grade would have been granted the same because he/she had not got the requisite three promotions in the 30 years. The higher grade pay allowed to an employee under MACP scheme is purely on personal basis. Hence, no stepping up of pay in the Pay Band or Grade Pay would be admissible as per rules with regard to junior getting more pay than the senior on account of pay fixation in the MACP Scheme. Therefore, they prayed for dismissal of the application as devoid of merits.

5. We have heard the learned counsel on both sides and perused the pleadings and the materials placed on record.

6. This Tribunal had an occasion to consider the similar issue in O.A.966 and 967 of 2009. The applicants in that applications are all Assistant Accounts Officers in Accountant General Office had challenged the MACP Scheme in so far as it denied the Grade Pay of Rs.5400/- to them, whereas the private respondents in that OAs who are Sr. Accountants functioning under the control of the applicants have been given the Grade Pay of Rs.5400/-. After hearing learned counsel on sides, the Tribunal has observed as follows:

"6. From the records, it is seen that the applicants who were initially appointed as Clerks and having been qualified in the departmental examinations at various stages have been promoted to the post of Accountants and Section Officers. Subsequently, the applicants were promoted as Sr. Accountants and Assistant Accounts Officers based on

