OFFICE MEMORANDUM

Subject: Requests of ASOs/SSAs to grant 3rd Financial upgradation in GP-4800/- under MACP Scheme-reg.

With reference to various representations on above captioned subject received from 14 officials named in Para 8 below, the undersigned is directed to invite their attention to DoP&Ts OM No. 35034/3/2008-Estt(D) dated 19th May, 2009, introducing Scheme for grant of financial upgradation under Modified Assured Career Progression(MACP) Scheme after completion of 10/20/30 year of regular service in the grade for the Central Government Civilian Employees w.e.f. 01.09.2008 to deal with the problem of stagnation and hardship faced by the employee due to lack of adequate promotional avenues.

2. The very purpose of the Scheme is to provide for financial benefit not accrued due to lack of promotional avenues. In those cases where official himself refuse to accept promotion, he is not entitled to avail the benefit of this scheme to a reasonable extent. Further, if first regular promotion is refused then it would have the consequential effect on seniority in next grade for as many years for which the official refused promotion. Thus the effect of refusal to accept regular promotion in initial stage will lead to delay in all subsequent promotions under seniority quota. Thus such officials cannot be regarded as suffering from stagnation to the extent of as much period they refused promotion in lower grade.

3. In respect of officials refusing promotion the relevant extract of clarification given by DOP&T issued vide its OM dated 19.05.2009 is reiterated as under:

   If a regular promotion has been offered but was refused by the Government employee before becoming entitled to a financial upgradation, no financial upgradation shall be allowed and as such an employee has not been stagnated due to lack of opportunities. If, however, financial upgradation has been allowed due to stagnation and the employees subsequently refuse the promotion, it shall not be a ground to withdraw the financial upgradation. He shall, however, not be eligible to be considered for further financial upgradation till he agrees to be considered for promotion again and the next financial upgradation shall also be deferred to the extent of period of debarment due to the refusal. (Para 25 of MACP Scheme of annexure-I of MACP rules dated 19.05.2009)

Further, as per para 15 of annexure-I of MACP rules dated 19.05.2009:-

   "If a financial upgradation is deferred and not allowed after 10 years in a grade pay, due to the reasons of the employees being unfit or due to departmental proceeding etc., this would have consequential effect on the upgradation which would also get deferred to the extent of delay in grant of first financial upgradation."

4. The above position was also affirmed in the ACP Scheme wherein the effect of refusing promotion on subsequent financial upgradation was examined by DOP&T. The DOP&Ts vide its OM No. No.35034/1/97Estt(D) dated 09th August, 1999 introduced ACP scheme and described it as a ‘Safety Net’ to deal with the problem of genuine stagnation and hardship faced by the employees due to lack of adequate promotional avenues, the relevant extracts from para-10 of said OM is reproduced below:-

   "Grant of higher payscale under the ACP Scheme shall be conditional to the fact that an employee, while accepting the said benefit, shall be deemed to have given his unqualified acceptance for regular promotion on occurrence of vacancy subsequently. In case he refuses to accept the higher post on
regular promotion subsequently, he shall be subject to normal debarment for regular promotion as prescribed in the general instructions in this regard. However, as and when he accepts regular promotion thereafter, he shall become eligible for the second upgradation under the ACP Scheme only after he completes the required eligibility service/period under the ACP Scheme in that higher grade subject to the condition that the period for which he was debarred for regular promotion shall not count for the purpose."

5. On scrutiny of their representations, it was observed that all the officials had served about 20 years in the grade of LDC and there was no reason/justification given for their prolonged stagnation in the same grade, whereas their juniors had already got promotion in the grade of UDC. Therefore, the details of promotion refusal were requested from concerned officials/respective regional offices of CPWD, however the same was not provided by any of the officials. Furthermore, the undertaking given by the officials regarding refusal of promotion, were found to be at variation with the information available in office records. The following facts have been noted:-

i. That the officials joined as LDC through Clerks Grade Exam-1983.

ii. They were covered under zone of promotion for SL 1994 but didn’t avail regular promotion on personal grounds till SL-2002.

iii. They were neither granted nor did they request for 1st ACP upgradation as they were already covered under zone of regular promotion even before completing 12 years of approved service in the grade of LDC.

iv. They finally accepted promotion in their hometown, Kolkata in the year 2004 for SL-2002 of UDC Grade.

v. Officials repeatedly represented for grant of 2nd ACP w.e.f 01.07.2008 on completion of 24 years of approved service but none of them mentioned the reason/justification for serving in same grade for 20 years after accepting promotion in 2004 against SL 2002.

vi. The checklist provided by respective offices also didn’t disclose any reason for prolonged stagnation in same grade and the officials were considered for grant of 2nd ACP without having a notice of their act of continuous abstinence from availing promotion on personal grounds.

vii. The prolonged and continuous abstinence from availing regular promotion due to personal reasons had been considered as deemed refusal of promotion.

viii. That they were granted 2nd ACP without considering the fact that the regular promotion was offered in the year 1996, whereas the promotion was accepted in the year 2004 i.e. after a gap of 08 years.

ix. They were promoted as Assistant against SL-2012(excluding those who didn’t attend mandatory Level A Training) in the year 2015.

6. All the officials have inter-alia stated that since they had already been granted 2nd ACP upgradation w.e.f 01.07.2008, therefore the details of refusal of promotion sought by this Ministry has no relevance in their case and the said details have nothing to do with MACP Rules. The representation(s) of these officials have been thoroughly examined in the light of rules position stated above and, it has been noted that both ACP and MACP Scheme are governed by distinct set of instructions and as far as grant of 2nd ACP upgradation w.e.f 01.07.2008 is concerned, the same is being separately reviewed under relevant rules applicable on the date of grant of ACP upgradation and in light of explanation at para-4 and facts stated at para-5 above.

7. As far as grant of 3rd financial upgradation under MACP Scheme is concerned, as per rule position, the effect of deemed refusal of promotion has apparent and consequential effect in deciding the date of eligibility for grant of MACP upgradation, therefore the claim of officials that it will not effect their date of eligibility for grant of 3rd financial upgradation is not tenable and the period of debarment due to refusal of promotion will have consequential effect in grant of 3rd MACP.
8. Accordingly the eligibility of 14 officials named below for grant of 3rd financial upgradation under MACP Scheme has been worked out after taking into consideration the details of refusal of promotion in the past service, as under:-

<table>
<thead>
<tr>
<th>Sl No.</th>
<th>Name (Sh./Smt.) /Place of posting/DOB</th>
<th>Mode of Recruitment /Date of joining in DR entry grade</th>
<th>Eligibility</th>
</tr>
</thead>
</table>
| 1.     | Ashish Kumar Das, ASO C.P.W.D.  
Was Not eligible for grant of 1st ACP.  
Granted 2nd ACP w.e.f 01.07.2008.  
After adding deferment period of 06(Six) years, the due date for 3rd MACP is 05.09.2020, which falls after the Date of Retirement (i.e. 31.01.2020). Hence not eligible. |
| 2.     | Prahlad Ghosh, SSA C.P.W.D.  
Was Not eligible for grant of 1st ACP.  
Granted 2nd ACP w.e.f 01.07.2008.  
After adding deferment period of 06(Six) years, the due date for 3rd MACP is 05.09.2020, which falls after the Date of Retirement (i.e. 31.01.2018). Hence not eligible. |
| 3.     | Gautam Kumar Dey, SSA C.P.W.D.  
Was Not eligible for grant of 1st ACP.  
Granted 2nd ACP w.e.f 01.07.2008.  
After adding deferment period of 06(Six) years, the due date for 3rd MACP is 10.09.2020, Hence not eligible to considered before 10.09.2020. |
| 4.     | Gauranga Mohan Datta, ASO C.P.W.D.  
       NDR DOB:03.03.1961 | Appointed as LDC Rank 2324/83 w.e.f 10.09.1984 | Joined as LDC(DR) Exam for year-1983 and offered promotion against UDC SL-1994 on 23.02.1996.  
Was Not eligible for grant of 1st ACP.  
Granted 2nd ACP w.e.f 01.07.2008.  
After adding deferment period of 06(Six) years, the due date for 3rd MACP is 10.09.2020, Hence not eligible to considered before 10.09.2020. |
| 5.     | Probir Kumar Deb, SSA DG, C.P.W.D.  
Was Not eligible for grant of 1st ACP.  
Granted 2nd ACP w.e.f 01.07.2008.  
After adding deferment period of 06(Six) years, the due date for 3rd MACP is 05.09.2020, which falls after the Date of Retirement (i.e 28.02.2018). Hence not eligible. |
| 6.     | Mridul Kumar Ghosh, ASO C.P.W.D.  
Was Not eligible for grant of 1st ACP.  
Granted 2nd ACP w.e.f 01.07.2008.  
After adding deferment period of 06(Six) years, the due date for 3rd MACP is 04.09.2020, which falls after the Date of Retirement (i.e 31.01.2020). Hence not eligible. |
<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Date of Birth</th>
<th>Appointed as</th>
<th>Date of Appointment</th>
<th>Promotions and Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>Tapan Kumar Das</td>
<td>03.11.1960</td>
<td>LDC Rank 393/83</td>
<td>25.03.1985</td>
<td>Joined as LDC on qualifying clerks grade Examination for year 1982. Offered regular promotion against UDC SL-1994 on 23.02.1996. Didn't avail regular promotion from SL 1994 to 2001 and finally accepted SL-2002 on 15.10.2004. Was not eligible for grant of 1st ACP. Granted 2nd ACP w.e.f. 01.07.2008. After adding deferment period of 06(Six) years, the due date for 3rd MACP is 25.03.2021, which falls after the Date of Retirement (i.e 31.10.2020). Hence not eligible.</td>
</tr>
<tr>
<td>11</td>
<td>Prasanta Sarvadhikari</td>
<td>02.01.1960</td>
<td>LDC Rank 903/83</td>
<td>14.02.1985</td>
<td>Joined as LDC on qualifying clerks grade Examination for year 1983. Offered regular promotion against UDC SL-1994 on 23.02.1996. Didn't avail regular promotion from SL 1994 to 2001 and finally accepted SL-2002 on 15.10.2004. Was not eligible for grant of 1st ACP. Granted 2nd ACP w.e.f. 01.07.2008. After adding deferment period of 06(Six) years, the due date for 3rd MACP is 14.02.2021, which falls after the Date of Retirement (i.e 31.01.2020). Hence not eligible.</td>
</tr>
<tr>
<td>12</td>
<td>Mir Nasir Uddin</td>
<td>01.11.1959</td>
<td>LDC Rank 956/83</td>
<td>15.02.1985</td>
<td>Joined as LDC on qualifying clerks grade Examination for year 1983. Offered regular promotion against UDC SL-1994 on 23.02.1996. Didn't avail regular promotion from SL 1994 to 2001 and finally accepted SL-2002 on 15.10.2004. Was not eligible for grant of 1st ACP. Granted 2nd ACP w.e.f. 01.07.2008. After adding deferment period of 06(Six) years, the due date for 3rd MACP is 15.02.2021, which falls after the Date of Retirement (i.e 31.01.2019). Hence not eligible.</td>
</tr>
<tr>
<td>14</td>
<td>Prabhas Kumar Sahai</td>
<td></td>
<td>LDC DR (CGE-83)</td>
<td></td>
<td>Joined as LDC on qualifying clerks grade Examination for year 1983. Offered regular promotion against UDC SL-1994 on 27.06.1996.</td>
</tr>
</tbody>
</table>
7. This issues with the approval of Competent Authority.

(A K Sinha)
Under Secretary to Govt. of India (Admin)
Tel: 011-23061426

To,

i. Officials concerned...through their controlling offices.
ii. Dte. of Estates (Admn. A Section), New Delhi.
iii. Dte. of Printing (Estt. Section), New Delhi.
v. DG, C.P.W.D. (EC-IV(MC)), New Delhi—*with the request to intimate the same to concerned officials working in Regional Offices.*
vi. N.B.O (Admn.), New Delhi.
vii. OL Section for Hindi Version.
viii. IT Cell for placing on Ministry’s website.
ix. Adminn.IV Section, Office Order file.