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कार्यालय रक्षा लेखा प्रधान नियंत्रक (मध्य कमान) करियप्पा मार्ग, कैण्ट लखनऊ-266002
Office of the Principal Controller of Defence Accounts (Central Command) Cariappa Road, Cantt., Lucknow, Pin Code - 226002

कार्यालय दूरभाष सं०- 0522-2451547

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संख्या: PT/3088/CGDA/Vol-IX

दिनांक: 15/07/2020

सेवा में,

प्रभारी अधिकारी,
(All AOGES/AAOGES/LAOs),
AAO(CC) Kanpur & Allahabad
Pay Group (Local)
under PCDA(CC), Lucknow

L 199
OALB

विषय : Circulation of Oms issued by DoP&T regarding MACP/Benchmark grading in ACRs.

उपर्युक्त विषय पर भारत सरकार, रक्षा मंत्रालय, रक्षा विभाग, रक्षा(सिव-1) अनुभाग के पत्र सं. MoD ID No.27(2)/2017-D(Civ-1) दिनांक 30/04/2020, मुख्यालय, नई दिल्ली से प्राप्त हुआ है, आपकी सूचना मार्गदर्शन एवं अनुपालन हेतु र.ले.प्र.नि.(म.क.), लखनऊ की website www.pcdacc.gov.in पर upload किया जाता है साथ ही यह पत्र र.ले.महा नि. की website पर भी उपलब्ध है।

प्रतिलिपि,
प्रभारी अधिकारी,
स्वचलन कक्ष(स्थानीय)

लेखाधिकारी (वे. त.)

PCDA(CC), Lucknow की website पर अपलोड करने हेतु।

प्रधान रक्षा लेखा नियंत्रक
(मध्य कमान) लखनऊ
आगम एवं निगम अनुभाग
16 JUL 2020
DAKID No. ...
दिल/वैल्यूकत / विनिमय पत्र / स्थायी पत्र

लेखाधिकारी (वे. त.)



कार्यालय, रक्षा लेखा महानियंत्रक
उलन बटार रोड, पालम, दिल्ली छावनी - 110010
CONTROLLER GENERAL OF DEFENCE ACCOUNTS
ULAN BATAR ROAD, PALAM, DELHI CANTT- 110010
PH. 011-25665722



परिपत्र

✓ संख्या: ले.प./सेना/वेतन/VII सीपीसी/आदेश

दिनांक: 03/07/2020

सेवा में,

रक्षा लेखा प्रधान नियंत्रक/रक्षा लेखा नियंत्रक (म० व०)
लखनऊ

A0914PTCS
14/7/2020

बिषय: Circulation of OMs issued by DoP&T regarding MACP/Benchmark grading in ACRs..

उपर्युक्त बिषय पर भारत सरकार, रक्षा मंत्रालय, रक्षा विभाग, रक्षा(सिव-1) अनुभाग के पत्र MoD ID No. 27(2)/2017-D(Civ-I) दिनांक 30-04-2020 की प्रति सूचना, मार्गदर्शन एवं अनुपालन हेतु अग्रेषित की जाती है।

A copy of GoI, MoD letter received under MoD ID No. 27(2)/2017-D(Civ-I) dated 30-04-2020 on the above subject is forwarded herewith for information, guidance and compliance please.

रक्षा लेखा उपमहानियंत्रक द्वारा अवलोकित।

संलग्नक: यथोपरि

वरिष्ठ लेखाधिकारी(सेना)

प्रतिलिपि:

प्रभारी अधिकारी
एएफ/डीआरडीओ अनुभाग

प्रभारी अधिकारी
नेवी/Fys अनुभाग

वरिष्ठ लेखाधिकारी(सेना)

Government of India
Ministry of Defence
(Department of Defence)
D(Civ-I)

A/Roy Civ

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Subject: - Circulation of OMs issued by DoP&T regarding MACP/Benchmark grading in ACRs.

All concerned are requested to download the under mentioned Govt. Orders issued by Ministry of Personnel, Public Grievances & Pensions, (Department of Personnel & Training) from the website of DoP&T for necessary action/compliance. The provisions contained therein are duly applicable to Defence Civilian Employees paid from Defence Service Estimates. The following are being uploaded by this office on the MoD (Department of Defence) website under the link "Employees' Corner":

S. No.	OM No. & date	Subject
1.	No.22304/4/2020-Estt(D) dated 23 rd March, 2020 <i>P92</i>	References/representations/ Court Cases in various Ministries/departments/Organisations for grant of MACPS benefits in the promotional hierarchy-regarding. Link:- http://documents.doptcirculares.nic.in/D2/D02est/ACP_080420_20pS4sH.pdf Court Judgement link: https://main.sci.gov.in/supremecourt/2014/14117/14117_2014_5_1501_21165_Judgement_05-Mar-2020.pdf
2.	No. 43012/1/2015-Estt(A-II) dated 21 st April 2020 <i>P91</i>	Disclosure of below benchmark grading in ACRs prior to the reporting period 2008-09 and objective consideration of representation by the competent authority against remarks in the ACR or for upgradation of the final grading. Link: https://dopt.gov.in/sites/default/files/ACRsriorito2008-09.pdf



Ashok Chakrapani
(Ashok Chakrapani)
OSD(CP)
Telefax 23012414

Distribution:

D(O-II)	D(Med)	D(Works-II)	D(AG)	D(N-II)	D(BR)
D(Air-III)	D(QA)	D(Q&C)	D(GS-I/Civ)	D(GS-VI)	D(GS-II)
D(GS-I)	D(Estt/NG)	D(Apptt)	D(Mov)	D(Res-II)	
D(R&D)	D(QS)	D(CG)	DDP/Coord	MoD(Fin) (DAD/Coord)	

D(IT) with the request to upload this ID Note on the website of MoD under Head MoD>DoD>Employees Corner> : Hindi version will follow

MoD ID No. 27(2)/2017-D(Civ-I) dated 30.04.2020

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22/06/20

Copy to:

✓ AG/Mp-4(Civ)(a)	NHQ/CP Dte.	Air Hqrs/PC-5	DPR
DGDE/Admn	DGQA/Admin-7B	DGAFMS/DG-2(B)	✓ CGDA
CAO (HR Dte)	JS(Trg)&CAO/Coord	Hqrs.IDS, (Dte of Pers)	OFB, Kolkata
DGAQA	DGNCC/Pers(C)	E-in-C Branch/EIC	DRDO/DoP
Employees' Federations:- AIDEF/INDWF/BPMS/CDRA			

Copy for information:

PPS to Hon. RM/RRM	SO to Def. Secretary	Sr. PPS to Secretary of DP/ESW/ R&D
PPS to all Additional Secretaries/ Joint Secretaries, MoD		PS to DS(CP)

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No. 43012/1/2015-Estt.(A-II)
Government of India
Ministry of Personnel, Public Grievances & Pension
Department of Personnel & Training
North Block, New Delhi
Dated the 21st April, 2020

Office Memorandum

Subject: Disclosure of below benchmark grading in ACRs prior to the reporting period 2008-09 and objective consideration of representation by the competent authority against remarks in the ACR or for upgradation of the final grading.

The Department of Personnel & Training had vide OM No. 21011/1/2005-Estt (A) (Pt-II) dated 14.05.2009, issued instructions regarding maintenance and preparation of Annual Performance Appraisal Reports. It was inter-alia stated therein that full APAR, including the overall grading and assessment of integrity, shall be communicated to the concerned officer. The new system of communicating entries in the APAR was made applicable prospectively with effect from the reporting period 2008-09.


2. Subsequently, this Department vide O.M. No.21011/1/2010-Estt.A dated 13.04.2010 issued instructions regarding disclosure of below benchmark gradings in ACRs of the period prior to 2008-09, providing that if an employee is to be considered for promotion in a future DPC and his ACRs prior to the period 2008-09, which would be reckonable for assessment of his fitness in such future DPCs, contain final grading which are below benchmark, for his next promotion, before such ACRs are placed before the DPC, the concerned employee will be given a copy of the relevant ACR for his representation, if any, within 15 days of such communication. It was clearly stated therein that only below benchmark ACR for the period relevant to promotion need be sent to the officer reported upon and there is no need to send below benchmark ACRs of other years.

3. References are being received in this Department from various Ministries/Departments seeking comments/views on disclosure of below benchmark ACRs of the period prior to 2008-09, which have already been considered by DPC prior to 13.04.2010, for promotion to a post/grade, for a representation and holding review DPC after due consideration of such representation.

4. The matter has been considered in this Department and it is felt that acceding to the request for disclosure of below benchmark gradings in ACRs for the period prior to 2008-09 will open flood gates and a large number of employees, both serving and retired, may come up with a request for disclosure of their ACRs of old periods.

resulting into administrative difficulties and chaos. It is, therefore, reiterated that only such below benchmark ACRs prior to the reporting period 2008-09 need to be disclosed to the officer reported upon for his representation, as are reckonable for assessment of fitness in future DPCs. In other words, below benchmark grading in the ACRs for the period prior to 2008-09 need not be disclosed to the officer reported upon, if the same are not reckonable for future DPCs.

5. This Department may be consulted in case of any deviation from the aforesaid instructions.


(Kabindra Joshi)
Director (E-II)

To
All Ministries/Departments of Government of India

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No.22034/4/2020-Estt.(D)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated: 23rd March, 2020.

OFFICE MEMORANDUM

Subject: References/ Representations/Court Cases in various Ministries/ Departments/ Organisations for grant of MACPS benefits in the promotional hierarchy – reg.


In continuation of this Department's earlier O.M. of even number dated 20.01.2016, 01.03.2016 and 17.05.2016 on the above subject, the undersigned is directed to say that the Hon'ble Supreme Court of India *vide* Order dated 05.03.2020 has disposed of the SLP(C) No.21803/2014, UOI & Ors. Vs. M.V. Mohanan Nair case and other cases tagged together.

2. The Hon'ble Apex Court, in its aforesaid judgment, has, *inter alia*, set aside *all the impugned orders* of the High Courts in these batch of appeals arising out of SLP(C) No.21803 of 2014, SLP(C) No.22181 of 2014, SLP(C) No.23335 of 2014, SLP(C) No.23333 of 2014, SLP(C) No.18227 of 2015, SLP(C) No.31125 of 2016 and SLP(C) Diary No.6042 of 2017, and the appeals preferred by the Union of India have been allowed. Further, the appeal arising out of SLP(C) No.33706 of 2016 is also disposed of. **Consequently, the Apex Court has upheld the Govt. policy that benefits under MACPS are to be granted in the standard hierarchy of Grade Pays/Pay Levels and not in the promotional hierarchy.**

3. The Hon'ble Apex Court, while setting aside the orders of the respective High Courts, has held that the ACP Scheme, which is now superseded by the MACP Scheme, is a matter of government policy. Interference with the recommendations of an expert body like the Pay Commission and its recommendations for the MACP would have a serious impact on the public exchequer. The recommendations of the Pay Commission for the MACP Scheme have been accepted by the Government and implemented, and that there is nothing to show that the Scheme is arbitrary, or unjust, warranting interference. The judgement has also stated that without considering the advantages in the MACP Scheme, the High Courts erred in interfering with the government's policy by simply placing reliance upon the Raj Pal case, and that the impugned orders cannot be sustained and are liable to be set aside.

4. Accordingly, in terms of the existing MACP guidelines, and in light of above mentioned order dated 05.03.2020, all Ministries/Departments are, therefore, advised to dispose of all pending grievances seeking grant of benefit in the promotional hierarchy under the MACP Scheme, and also to defend the various pending Court Cases or to take immediate suitable action for appealing against such judgments which are contrary to the existing policy, as upheld by the Hon'ble Apex Court in the instant case.

5. All Ministries/Departments are also requested to upload the above order dated 05.03.2020 on their websites for wider publicity.


(A. Bhattacharya)
Deputy Secretary

To

All Ministries/Departments of the Government of India.

Copy to :-

1. President's Secretariat/Vice President's Secretariat/Prime Minister's Office/ Supreme Court/ Rajya Sabha Secretariat/ Lok Sabha Secretariat/ Cabinet Secretariat /UPSC/ CVC/ C&AG/ Central Administrative Tribunal (Principal Bench), New Delhi.
2. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions.
3. Secretary, National Commission for Minorities.
4. Secretary, National Commission for Scheduled Castes/Scheduled Tribes.
5. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi.
6. PS to MOS(PP) for information to Hon'ble MoS(PP).
7. All Staff Side Members of the National Council (JCM).
8. NIC [for uploading this OM on the website of DOPT (ACP)].
9. Hindi Section, DoPT for Hindi Translation.