

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 040/00070/2016

Date of Order: This, the 24th day of February 2020

THE HON'BLE SMT. MANJULA DAS, MEMBER (J)

THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)



1. SD 211755
 Shri Manoj Debnath
 General Supervisor
 Station Headquarters, Dimapur
 Pin – 900191, C/O 99 APO.
2. SD 211756
 Shri Kiran Kumar Serpali
 General Supervisor
 Station Headquarters, Dimapur
 Pin – 900191, C/O 99 APO.
3. SD 211757
 Shri Nandan Debnath
 Accounts Clerk
 Station Headquarters, Dimapur
 Pin – 900191, C/O 99 APO.
4. SD 211758
 Shri Bakul Paul
 Accounts Clerks
 Station Headquarters, Dimapur
 Pin – 900191, C/O 99 APO.
5. SD 211759
 Shri Debasis Dhar
 Conservancy Store keeper
 Station Headquarters, Dimapur
 Pin – 900191, C/O 99 APO.

...Applicants

By Advocates: Sri A. Ahmed, P.Kalita & R.R. Rajkumari

-Versus-



1. The Union of India
Represented by the Secretary
To the Government of India
Ministry of Defence, South Block
New Delhi, Pin – 110001.
2. The Secretary to the Government of India
Ministry of Personnel, Public Grievances
And Pensions (Department of Personnel
And Training), North Block
New Delhi, Pin – 110001.
3. The Director General of Staff Duties
SD-7 (Adm Civ)
General Staff Branch
Integrated HQ of MOD (Army)
Sena Bhawan, New Delhi, Pin – 110001.
4. The Administrative Commandant
Station Headquarters
Dimapur, Pin – 900191, C/O 99 APO.

...Respondents.

By Advocate: Sri R. Hazarika, Addl. CGSC

ORDER (ORAL)

MANJULA DAS, MEMBER (J)

The issue in the present case relates to the grant of benefit of Modified Assured Career Progression (MACP) scheme by placing the applicants in the next higher grade pay attached with the promotional hierarchy.

2. Heard Sri Adil Ahmed, learned counsel appearing on behalf of the applicants and Sri R. Hazarika, learned Addl. CGSC for the respondents.

3. Sri Adil Ahmed, learned counsel appearing on behalf of the applicants submitted that similar issue has been settled by the Central Administrative Tribunal, Chandigarh Bench in O.A. No. 1003/PB/2011 dated 23.01.2011 which was upheld by the Hon'ble High Court of Punjab and Haryana at Chandigarh in CWP No. 19387 of 2011 (O&M) dated 19.10.2011 as well as dismissal of SLP No. cc 7467/2013 dated 15.04.2013 filed by the Union of India before the Hon'ble Supreme Court of India. In view of that, this matter is covered by the decision of CAT, Chandigarh Bench and therefore, similar order to be passed in the present case also.



4. On the other hand, Sri R. Hazarika, learned Addl. CGSC appearing on behalf of the respondents by filing written statement on 23.09.2016, has pointed out para 14 wherein it is stated that the benefit of hierarchy of scale under MACP has been awarded to Shri Rajpal by CAT, Chandigarh Bench in O.A. No. 1038/CH of 2010 and upheld by the Hon'ble High Court of Punjab & Haryana, Chandigarh vide CWP No. 19387 of 2011 and

dismissal of SLP No. CC 7467/2013 by the Hon'ble Supreme Court of India bearing explanation for condonation of delay which was not sufficient, on the parity of the isolated post held by the applicant with that of Hindi Typist/LDC.



5. Sri Hazarika also pointed out para 19 of the written statement wherein it is stated that a CWP against the order of the CAT, Chandigarh Bench dated 23 September 2015 in view of Hon'ble Supreme Court stay vide order dated 08 August 2014 in CC No. 8271/2014 (Converted to SLP No. 21803/2014) in the matter of UOI Vs. M.V. Mohanan Nair against the order dated 29 Jan 2013 passed by CAT, Ernakulum Bench in O.A. No. 816/2012 which was subsequently upheld by the Hon'ble High Court of Kerela in OP (CAT) No. 2000/2013 (Z) regarding grant of MACP benefits in the promotional hierarchy. Hon'ble Supreme Court has tagged three other SLPs i.e. SLP No. 22181/2014 filed by UOI Vs. Reeta Devi, SLP No. 23333/2014 filed by UOI Vs. Babu Ram & Ors., SLP No. 23335/2014 filed by OI Vs. Mr. O.P. Bhadani with SLP No. 21803/2014 filed by UOI in the identical matter, which are still pending before the Hon'ble Supreme Court.

6. Sri Hazarika also has pointed out para 20 of the written statement wherein it is stated that since similar issues involved in the present application are pending before the Hon'ble Supreme Court, the respondent authorities cannot give the decision in the matter till those applications are decided by the Hon'ble Supreme Court.



7. Sri Adil Ahmed, learned counsel appearing on behalf of the applicant however, submitted that hearing of all these three SLPs have already been concluded on 23.01.2020 and judgment has not yet delivered.

8. In view of the above arguments, as the similar issue is pending disposal before the Hon'ble Apex Court which were already heard however, judgments are not yet delivered, we hold that any decision/judgment of the Hon'ble Supreme Court will follow in this present case also. Accordingly, we deem fit and proper to dispose of the O.A. directing the respondents to follow the judgment of the Hon'ble Supreme Court in the case of present applicants as and when judgment will be delivered by the Hon'ble Supreme Court. Ordered accordingly.

9. With the above directions, O.A. stands disposed of. No order as to costs.

(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)

PB

