

**CENTRAL ADMINISTRATIVE TRIBUNAL,**  
**ERNAKULAM BENCH**

**Original Application No. 180/00242/2020**

**Monday, this the 10<sup>th</sup> day of August, 2020**

**CORAM:**

**Hon'ble Mr. P. Madhavan, Judicial Member**  
**Hon'ble Mr. K.V. Eapen, Administrative Member**

O. Yohannan, S/o. Late V. Ommen,  
aged 72 years, Ex. MES/242449, Store Keeper, Grade-I,  
(Retired), O/o. The Garrison Engineer (Army),  
Thirumala PO, Thiruvananthapuram – 695 006,  
residing at Aji Bhavan, PO Pooyappally, Kottarakkara,  
Kollam – 691 537, Phone – 9496343083.

..... **Applicant**

**(By Advocate : Mr. P.K. Madhusoodanan)**

**V e r s u s**

1. Union of India, represented by its Secretary,  
Ministry of Defence, New Delhi – 110 001.
2. The Chief Engineer, Head Quarters, Southern Command,  
Pune – 411 001.
3. The Principal Controller of Defence Accounts (Pensions),  
Draupatighat, Allahabad – 211 014.
4. The Garrison Engineer (Army), Thirumala Post,  
Trivandrum – 695 006.

..... **Respondents**

**(By Advocate : Mr. C. Rajendran, SCGC)**

This application having been heard on 10.08.2020 through video conferencing, the Tribunal on the same day delivered the following:

**ORDER (Oral)**

**Hon'ble Mr. P. Madhavan, Judicial Member** –

Heard Advocate Mr. P.K. Madhusoodanan, appearing for the applicant and Advocate Mr. C. Rajendran, SCGC, appearing for the respondents through video conferencing.

2. Applicant has retired from service while working under the 2<sup>nd</sup> respondent on 31.5.2008 after completing 41 years and 10 months service. The applicant was granted promotion as Store Keeper Grade-II on 8.3.1988 and Store Keeper Grade-I on 9.4.1999. Thereafter, he was not granted any further promotion and stagnated in the said post till his retirement. As soon as the applicant came to know about the Supreme Court judgment on MACP scheme in Civil Appeal Diary No. 3744/2016 and connected cases he submitted a representation to the respondents which is yet to be considered and disposed of by the respondents. Aggrieved, the applicant has filed the present OA seeking the following reliefs:

*“(a) To declare that the applicant is entitled to get the 3<sup>rd</sup> MACP upgradation benefits with effect from 1.1.2006 as per the ratio of the decision of the Hon'ble Supreme Court reported in 2018 (11) SCC 99.*

*(b) To direct the respondents to immediately enhance and fix the pay of the applicant in the next higher grade of Rs. 4200/- with effect from 1.1.2006 and to re-fix the pay and all other consequential benefits and to revise the pension accordingly and to draw and disburse arrears with 18% penal interest.*

*(c) To direct the respondents to grant consequential benefits of fixation of pay and arrears on such re-fixation of pay with 18% penal interest.*

*(d) To issue such other appropriate orders or directions this Hon'ble Court may deem fit, just and proper in the circumstances of the case.*

*(e) To grant the cost of this Original Application.”*

3. When the matter came up for consideration, it was submitted by the learned counsel for the applicant that Annexure A5 representation given by the applicant is still pending before the competent authority and no orders are passed.

4. Learned counsel for the respondents submitted that he has no objection in considering and disposing of the representation filed by the applicant.

**5. Since the applicant being a senior citizen and that Annexure A5 representation is pending with the competent authority, we direct the competent authority to consider Annexure A5 representation and pass a reasoned and speaking order in the light of the relevant rules and regulations as well as the judgment of the Hon'ble Supreme Court in Civil Appeal Diary No. 3744 of 2016 and connected cases within a period of three months from the date of receipt of a copy of this order.**

6. The OA is disposed of as above without going into the merits at the admission stage itself. No costs.

**(K.V. EAPEN)**  
**ADMINISTRATIVE MEMBER**

**(P. MADHAVAN)**  
**JUDICIAL MEMBER**

**“SA”**

**Original Application No. 180/00242/2020**

**APPLICANT'S ANNEXURES**

- Annexure A1** – True copy of the Pension Payment Order No. C/ENG/27422/2007 dated 12.2.2008.
- Annexure A2** – True copy of the corrigendum PPO No. C/CORR/ENG/33111/2010 issued in the year 2010.
- Annexure A3** – True copy of the MACP scheme of Government of India vide Office Memorandum, dated 19.5.2009.
- Annexure A4** – True copy of the judgment in Writ Petition (Civil) No. 3549/2018 dated 1.5.2019 of the Delhi High Court, downloaded from the internet.
- Annexure A5** – True copy of the representation dated 1.7.2019, submitted by the applicant to the respondents 2 to 4.

**RESPONDENTS' ANNEXURES**

Nil

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