

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

**Original Application No. 180/00512/2020**

**Tuesday, this the 3<sup>rd</sup> day of November, 2020**

**CORAM:**

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

C.K.Gangadharan  
S/o.Late K.K.Nair, aged 72 years  
Assistant Engineer (E/M) (Retd.)  
Office of the Garrison Engineer  
Military Engineer Service, Cochin  
Residing at Giji Nivas, Eranipalam P.O  
Kozhikode Dist., Kerala State (Mob:9947769902) ..... **Applicant**

**(By Advocate : Mr. C.S.G Nair)**

**V e r s u s**

1. Union of India  
Represented by its Secretary  
Department of Personnel & Training  
North Block, New Delhi – 110 001
2. Engineer-in-Chief  
Military Engineering Service  
Kashmir House, Rajaji Marg  
New Delhi – 110 011
3. Chief Engineer  
Military Engineering Service, (MES)  
Southern Command, Pune – 411 001
4. Chief Engineer  
Military Engineering Service  
Naval Works, Cochin – 682 004
5. Garrison Engineer (N.S)  
Military Engineering Service  
Kattaribagh, Cochin – 682 004
6. Principal Controller of Defence Accounts (Pension)  
Draupadi Ghat, Allahabad 211 014 ..... **Respondents**

**(By Advocate : Mr.Anil Prasad, ACGSC)**

This application having been heard on 3.11.2020, the Tribunal on the same day delivered the following:

**ORDER (ORAL)**

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

The applicant joined the service of Military Engineering Service (MES) as an Overseer on temporary basis. Later, he was absorbed as Superintendent E/M Grade II on 5.7.2973. He was promoted as Superintendent E/M Grade I during October 1991. The applicant was promoted as AE w.e.f 14.2.2005. He retired on 31.5.2008 on superannuation, before the publication and acceptance of VIth CPC recommendations. Although, the applicant had more than 24 years of service as on 9.8.1999, when the ACP Scheme was promulgated he was not given the financial upgradation. So he submitted representations after his retirement and he was granted the 2<sup>nd</sup> financial upgradation under ACP scheme w.e.f 9.8.1999 to the pay scale of Rs.10,000-15,200. The applicant came to know about the decision of the Hon'ble Supreme Court to the effect that MACP scheme was to be given effect from 1.1.2006, he submitted a representation. But no reply was given. The applicant had more than 30 years of service as on 1.1.2006 and as such, he became eligible for the 3<sup>rd</sup> financial upgradation under MACP scheme. Hence he prays for the following reliefs:

*“(i) To declare that the applicant is entitled for 3<sup>rd</sup> financial upgradation to Pay Band 3 with Grade Pay of Rs.7,600/- under MACP Scheme w.e.f 1.1.2006.*

*(ii) To direct the respondents to grant 3<sup>rd</sup> financial upgradation to pay band 3 with a Grade Pay of Rs.7,600/- under MACP Scheme w.e.f 1.1.2006 and grant all consequential benefits including arrears of pay and allowances within a stipulated period.*

*(iii) To direct the respondents to revise the pension and other retirement benefits and pay the difference in pension, gratuity and commutation value of pension including leave encashment amount within a time frame.*

*(iv) To direct the respondents to pay interest @ 12% p.a on the arrears of pay, pension, gratuity and leave encashment amount w.e.f 1.1.2006 within a time frame.*

*(v) Grant such other relief or reliefs that may be prayed for or that are found to be just and proper in the nature and circumstances of the case.*

*(vi) Grant cost of this O.A. “*

2. When the matter came up for consideration, it has come out that Annexure A-8 representation of the applicant is still pending with the respondents and no order is passed. According to the learned counsel for the applicant, the matter is squarely covered by the decision of the Hon'ble Supreme Court in ***Union of India & Others v. Balbir Sing Turn and others (Civil Appeal Diary No.3744/2016)***.

3. Adv.Mr.Tony representing Adv.Mr.Anil Prasad, ACGSC takes notice on behalf of the respondents.

4. In view of pendency of Annexure A-8 representation, we direct the

competent authority to consider Annexure A-8 representation of the applicant in the light of the decision cited by the applicant and pass a speaking order within a period of 3 months from the date of receipt of a copy of this order.

5. The Original Application is disposed of as above at the admission stage itself. No costs.

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

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

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**List of Annexures**

- Annexure A1 : True copy of the ACP scheme OM No.35034/1/97 Estt.(D) dt. 9.8.1999.
- Annexure A2 : True copy of the letter from the 1<sup>st</sup> respondent bearing No.PC-90237/8275/EIC (Legal-C) 671/CAT/D(WORKS) dt:14.11.2003
- Annexure A3 : True copy of the Special Part Ii order dated 14.4.2008
- Annexure A4 : True copy of the OM No.35034/3/2008 Estt.(D) dt:19.5.2009
- Annexure A5 : True copy of the judgment of the Hon'ble Supreme Court in Civil Appeal Diary No.3744/16
- Annexure A6 : True copy of the Order No.14(1)99-D(AG) dt:25.7.2018
- Annexure A7 : True copy of the revised PPO No.403200701206
- Annexure A8 : True copy of the representation dated 26.3.2020

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