

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00656/2020

Friday, this the 29th day of January, 2021

C O R A M :

**HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER
HON'BLE Mr.K.V.EAPEN, ADMINISTRATIVE MEMBER**

1. Shri. K. Ramachandran, S/o Late Ammunni Nair, 66,years, Office Superintendent (Retired), retired from 0/o GE (P),MES,Kochi, residing at Flat No. GB Rose Wood Apartments, NAD Post, Ernakulam-683563.
2. Smt. Leelamma Thomas, W/o Late Thomas, aged 61 years, Assistant Administrative Officer (Retired), retired from O/o of GE (P) NW, MES, Kochi, residing at Thejus 1668-A/Div-39, Vennala Post, I.S.E. D Road, Kochi-682028.
3. Smt. Sarasu K. Kuttan, W/o V.K.Kuttan, Office Superintendent (Retired), aged 61 years, retired from 0/o GE (NW), MES, Kochi, residing at Veliancherykudi House, Vadayampady Post, Puthencruz, Ernakulam - 682 308.
4. Smt.Susan Samuel, Office Superintendent (Retired) , aged 64 years, W/o Samuel Daniel retired from CWA, MES, Trivandrum, MannalloorBetheel Villa, VP-III/1028, Perukavu Post, Thiruvananthapuram. 695573.
5. V.K. Sasidharan Pillai, S/o (Late) Chandrasekhara Pillai, aged 66 years, Office Superintendent (Retired), retired from O/o CWE (AF), MES, Trivandrum, Vallikandathil House, Kunnathumkara Post, East Othara, ThiruvallaTaluk, Pathanamthitta - 689546.

6. Smt. Indira Suresh, W/o Late Suresh, aged 59 years, Stenograher, 0/o of the Commander Works Engineer (Naval Works), MES, KatariBagh, Naval Base Post, Kochi-682004, residing at Madathil House, West Kadangalloor Post, Aluva, Ernakulam683010.
7. Shri. K.K. Ramachandran Pillal, Office Superintendent (Retired), S/o (Late) K.M.Krishna Kaimal, aged 69years, retired from the O/o GE (NW), MES, Kochi, residing at ThusharaSree, Vanmazhy, Padanad Post, Chengannur, Alappuzha-689506.
8. G. Srinivasan, S/o Late P.K. Gangadharan, aged 64, Office Superintendent (Retired), retired from the O/o GE (NW), MES, Kochi, residing at Swathy, Puthiyavila South, Pattoli Market Post, Kandálloor, Kayamkulam, Alappuzha- 690531.
9. Smt. Rema S. Nair, W/o N. Sasidharan air, aged 65 years, Office Superintendent (retired), GA, AF,MES, Trivandrum residing at Paliyazhikathu House, KP.6/692, Souhridagramom, Nemom, Thiruvananthapuram-695020.
10. K.Rajan, Sb Kunjuraman, aged 68 years, Office Superintennt (Retired), retired from the O/o GE(Naval Services), MES, KatariBagh, Naval Base P.O., Kochi-682 004 residing at RenjithNivas, Varavila Post, Kollam - 690 528.
11. Lucy Jacob, W/o Jacob, aged 62 years, Retired Office Superintendent (AAO), O/o GE (NW), MES,Kochi, residing at Nedumparambil House, Kundannur, Maradu P.O., Kochi-682304.
12. T.R. Mohanakrishnan, S/o Raghavan Nair, aged 67 years, Retired Administrative Officer, O/o CWE (NW),MES, Kochi, residing at Padma Mandiram, Ezhupunna North, Cherthala, Alappuzha - 688537.
13. N.Sudhakaran, S/o Narayanan, aged 63 years,

Retired Assistant Administrative Officer,
retired from the O/o CWE (NW), MES, Kochi,
residing at KulathinteVadakkethil, Erumakuzhy,
Noornad Post, Alappuzha-690504.

14. K.T. Prabhakaran, Office Superintendent (Retired),
MES, Kochi, S/o Late K.M. KunchiramanNambiar, aged 67 years,
residing at Koroth House, Mundalur Post,
Perallasery, Kannur - 670622.
15. Smt.Sosamma Oonnoonny, W/o G. Oonnoonny, aged 64 years,
Retired Office Superintendent, retired from
O/o CE (NW)MES, Kochi, residing at Flat No. Q-4,
Galaxy Hamilton, Chilavannor Road,
Kadavanthara Post, Kochi-682 020.

...Applicants

(By Advocate Ms.Jishamol Cleetus)

v e r s u s

1. Union of India represented by its Secretary,
Government of India, Ministry of Defence,
New Delhi. Pin - 110 011.
2. The Engineer in Chief, Military Engineer Services,
Engineer in Chief's Branch, Army Head Quarters,
Kashmir House, DHQ Post, New Delhi - 110 011.
3. The Chief Engineer, Military Engineer Services,
Headquarters, Southern Command, Pune, Pin - 400 001.
4. The Chief Engineer (Naval Works), Military Engineer Services,
Naval Base P.O, Kochi - 682 004.
5. The Director/CRO, Central Record Office (Officers)
Palam, Delhi Cantt – 110 010
6. Principal Controller of Defence Accounts
No.618 Thenampeet, Chennai - 18

....Respondents

(By Advocate : Mr.M.K.Padmanabhan Nair,ACGSC)

This application having been heard on 29.1.2021 through video conference, this Tribunal on the same day delivered the following :

ORDER (ORAL)

HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER

Applicants are aggrieved by the inaction of the respondents in not granting them the benefit of the MACP Scheme which was on the basis of the recommendations of the sixth CPC which is to be extended with effect from 1st January 2006 and not from 1st September 2008 based on the Hon'ble Supreme Court Order dated 8.12.2017 as per *Union of India and others v. Balbir Singh Turn and another*. They are also aggrieved by not granting them the grade pay of Rs.4600, 4800 as in terms of para 5 of Annexure 1 of MACP Rules of Government of India letter dated 19th May 2009. Applicants are seeking the following reliefs:

"(i) To direct the respondents to grant the applicants the benefits of MACP scheme as recommended by the 6th CPC which is to be extended with effect from 1.1.2006 and not from 1.9.2008 as upheld by the Hon'ble Supreme Court in *Union of India v. Balbir Singh Turn*.

(ii) To direct the respondents to grant the applicants the Grade Pay of Rs.4600/-, 4800/- , in terms of para 5 of Annexure A1 of MACP rules dated 19.5.2009

(iii) Such other relief as may be prayed for and this Hon'ble Tribunal may deem fit to grant.

(iv) Award cost of this Original Application. "

2. Counsel for the applicant mainly relies on the judgment of the Hon'ble Supreme Court in ***Union of India and others v. Balbir Singh Turn and another.*** The applicants have given representations vide Annexures A-6 to A-20 before the Competent Authority. The Competent Authority has not disposed of the representations till this date. Learned counsel for the applicants submits that the applicants will be satisfied if the representations of the applicants are properly considered by the respondents in the light of the decision of the Hon'ble Apex Court and dispose of the same with a speaking order within a time frame.

3. **In view of the limited submission, the Original Application is disposed of at the admission stage itself by directing the respondents to consider Annexures A-6 to A-20 representations in the light of relevant rules, regulations and decision of the Hon'ble Supreme Court in the aforementioned case within a period of three months from the date of receipt of a copy of this order.**

4. The Original Application is disposed of vide separate order. No costs.

(K.V.EAPEN)
ADMINISTRATIVE MEMBER

(P.MADHAVAN)
JUDICIAL MEMBER

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List of Annexures

Annexure A1 - True copy of the relevant portion of Annexure 1 of MACP rules dated 19-5- 2009

Annexure A2 - True copy of the order dated 15/10/2018 in M.P. Joseph v. Union of India (WP No. 1763/2013)

Annexure A3 - True copy of the order dated 16-8-2017 in WP (C) 2649 of 2017 of the Honourable High Court of Delhi

Annexure A4 - True copy of the order dated 08-1 -2017 in CA Diary No. 3744 of 2016 and connected cases Union of India v/s Balbir Singh

Annexure A5 - True copy of the DOPT vide letter DOP&T DY No. 3505/CR/2009-ESTT(RR) dated 13.8.2009

Annexure A6 - True copy of the representation dated 27.12.2019 submitted by the Vt applicant to the respondent

Annexure A7 - True copy of the representation dated 30/12/2019 submitted by the 2nd applicant to the respondent

Annexure A8 - True copy of the representation dated 26/12/2019 submitted by the 3 Applicant

Annexure A9 - - True copy of the representation dated 23/12/2019 submitted by the 4th applicant

Annexure A10 - True copy of the representation dated 28/12/2019 submitted by the 5th applicant

Annexure A11 - True copy of the representation dated 11/12/2019 submitted by the 6th applicant

Annexure A12 - True copy of the representation dated 27/12/2019 submitted by the 7th applicant

Annexure A13 - True copy of the representation dated 30/12/2019 submitted by the 8th applicant.

Annexure A14 - True copy of the representation dated 27/12/2019 submitted by 9th applicant

Annexure A15 - True copy of the representation dated 28/12/2019 submitted by 10th applicant

Annexure A16 - True copy of the representation dated 25/12/2019 submitted by the 11th applicant

Annexure A17 - True copy of the representation dated 10/12/2019 submitted by the 12th applicant

Annexure A18 - True copy of the representation dated 27/12/2019 submitted by the 13th applicant

Annexure A19 - True copy of the representation dated 24/12/2019 submitted by the 14th applicant

Annexure A20 - True copy of the representation dated 10/02/2020 submitted by the 14th applicant

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