

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00612/2020

Wednesday this the 16th day of December, 2020

C O R A M :

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

1. A.P Kunjumuhammed, S/o.Pareed, aged 62 years
MES 187845, Electrician HSII (Retired)
Military Engineer Services, O/o.The AGE B/R
Alwaye – 683 563, residing at Valaril House
Eramalloor, Cheruvattor, Kothamangalam – 686 691
Ernakulam District, (Mobile No.9946651807)
2. S.G.Eldhose
MES 109440, S/o.Geevarghese, aged 62 years
Fitter Pipe (SK)(Retired)
Military Engineer Services, O/o.The AGE(1)
NAD, Alwaye – 683 563, residing at Srambikudy House
Thrikkaryoor, Panipra
Kothamangalam – 686692. (Mobile No.9495471279)
3. K.B.Rajan, MES/109608, S/o.Bhaskaran Nair
aged 62 years, Electrician HS II (Retired)
Military Engineer Services
O/o. The AGE (I) NAD, Alwaye – 683 563
Kunnathankudi House, Elambra
(P.O.) Nellikkuzhi, Kothamangalam -686691
Ernakulam District (Mobile No.9497283345)
4. T.C.Chandran, MES/109469, S/o.Chathankannan
aged 65 years, Fitter Pipe (SK) (Retired)
Military Engineer Services, O/o.the AGE, NAD
Alwaye -683 563, Thorayi Thondiyil House
Edathala North P.O 683 561
Ernakulam District, (Mobile No.9539889846) ...Applicants

(By Advocate Mr.P.K.Madhusoodhanan)

v e r s u s

1. The Commander Works Engineer
Military Engineer Services, Kataribagh, Naval Base P.O
Kochi – 682 004
2. The Chief Engineer, Head Quarters
Southern Command, Pune – 411 001
3. Garrison Engineer
Military Engineer Services, Naval Base (P.O)
Kochi – 682 004
4. Union of India, represented by its Secretary
Ministry of Defence, Central Secretariat
South Block, New Delhi – 110 001
5. The Principal Controller of Defence Accounts (Pension)
Droupatighat P.O, Allahabad, Utterpradesh – 211 014 Respondents

(By Advocate : Mr.S.Ramesh,ACGSC)

This application having been heard through video conference on 16th December, 2020, this Tribunal on the same day delivered the following :

O R D E R (O R A L)

HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER

Applicants are retired employees having several years of unblemished service as Highly Skilled and Skilled Tradesman. But they were not granted their due ACP and MACP financial benefits from due dates inspite of the mandates in Annexures

-A1 to A4. Hence, they approached this Tribunal praying for the following reliefs:

- "a) Declare that the applicants are eligible and entitled to be granted with GP Rs.2800/- as their 3rd MACP scheme upgradation financial benefits and disburse all consequential monetary arrears arising therefrom to the applicants forthwith, at any rate, within time to be fixed by this Tribunal*
- b) Issue necessary directions to be respondents to grant and disburse to the applicant 3rd MACP scheme financial upgradation benefits from their respective due dates in G.P Rs.2800/- as granted in Annexures A-9 and A-10, within a time limit to be fixed by this Tribunal.*
- c) Issue necessary directions to be 5th respondent to issue necessary orders/addendum revising the retiral benefits of the applicants on grant of 3rd MACP scheme upgradation benefits of the applicants in GP Rs.2800/- from their due dates and grant and disburse to them all consequential differences in monetary benefits arising therefrom with 18% interest on the same till its disbursal to the applicants."*

2. When the matter came up for consideration, learned counsel for the applicant submits that the representations submitted by the applicants are pending with the respondents and no impugned orders are passed by the respondents. However since the representations filed by the applicants are dated 9.5.2018, they are directed to file a fresh comprehensive representation within a period of two weeks from today and the competent authority is directed to consider the same and pass a speaking order in the light of relevant rules and regulations on the subject within a period of three months from the date of receipt of representation.

3. 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 office memorandum dated 9/9/2010 by the Govt. Of India, Ministry of Personnel, Public Grievances and Pensions

Annexure A2 - True copy of the office memorandum dated 19.5.2009, by the Govt of India, Ministry of Personnel, Public Grievances and Pensions

Annexure A3 - True copy of the letter dated 12.9.2014 issued by Engineer-in-Chief, Head Quarters, Ministry of Defence (Army), Kashmir House, New Delhi – 110 001

Annexure A4 - True copy of the M.O.D letter No.11(5) 2009 D (Civ-1) dated 14.6.2010

Annexure A5 - True copy of the P.P.O of 1st applicant issued by the 5th respondent.

Annexure A5(a) - True copy of the revised P.P.O of 1st applicant issued by the 5th respondent

Annexure A6 - True copy of the P.P.O of 2nd applicant issued by the 5th respondent

Annexure A6(a) - True copy of the revised P.P.O of 2nd applicant issued by the 5th respondent

Annexure A7 - True copy of the P.P.O of 3rd applicant issued by the 5th respondent

Annexure A8 - True copy of the P.P.O of 4th applicant issued by the 5th respondent

Annexure A8(a) - True copy of the revised P.P.O of 4th applicant issued by the 5th respondent

Annexure A9 - True copy of the special PTO (Part Two Order) dated 6.8.2015, issued by the 3rd respondent

Annexure A10 - True copy of the P.T.O No.43 dated 26.10.2015, issued by the 3rd respondent

Annexure A11 - True copy of the representation dated 9.5.2018, submitted through proper channel by the 1st applicant to the first respondent

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