

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00014/2021

Friday, this the 8th 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. Alphonsa Johnson (MES-187061) aged 59 W/o.Johnson, Technical Officer, 0/o Commander Works Engineer (NB) Kochi, INS Dronacharya Fortkochi682001 Residing at Koikkara House, TNRA-48,Thevarkkad, Varapuzha, Ernakulam — 683517. Mob:9496275741.
2. Santhamma Mathew (MES-187064) aged 59 W/o.P.V.Mathew, Technical Officer, 0/o Commander Works Engineer (Air Force) HQ Southern Air Command Complex Thuruvickal post, Akkulam, Trivandrum — 695011 Residing at Parathanathe, TC/18/1779(1) Thirumala P.0, Trivandrum-6. Mob: 8129471075
3. Ramachandran P.K (MES-124887) aged 59 years Technical Officer, 0/0 Commander Works Engineer Ezhimala Naval Academy P.0, Kannur - 670 3 Residing at Sreekandapuram, Kannur (P.O). Mob:9400431523, Kannur Dist.
4. Thomas P.J (MES 187063) aged 58 years S/o.Jose P.P Technical Officer, 0/o The Chief Engineer(Naval Works) KatariBagh, Naval Base P.0, Kochi — 682 004 Residing at Pulikkottil House, Kanjani P.0, 680612. Mob:9446613111 Ernakulam Dist.
5. Premkumar.V (MES 124886) aged 58 years S/o. Velayudhan P. Technical Officer, 0/o The Chief Engineer(Naval Works) KatariBagh, Naval Base P.O, Kochi — 682 004

Residing at Thykkottathil House, Arattupuzha P.O, 682015. Mob:9028507261
Alappuzha Dist.

6. P.N.Gopinathan Nair (MES 187065) aged 59 years S/o.K.G.Narayanan Nair
Technical Officer, 0/o The Chief Engineer(Naval Works)
KatariBagh, Naval Base P.O, Kochi — 682 004
Residing at Gayathri, Maruthorvattom P.O, Cherthala-688539.
Mob:9846030716., Alappuzha Dist.
7. Y. Neelakanta Iyer (MES 124337) aged 58 years S/o.Yegneswaralyer
Technical Officer, 0/o The Chief Engineer(Naval Works)
KatariBagh, Naval Base P.O, Kochi — 682 004
Residing at ShankaraMadom, Cherthala.P.O — 688524.
Mob:9447473098, Alappuzha Dist.
8. George V.Kurian (MES – 124911) aged 60 years S/o.V.V.Kurian
Technical Officer, O/o.Chief Engineer (Naval Works) Kochi
Kataribagh, Naval Base P.O,Kochi – 4
Residing at Vadakkekkara House
Malappally P.O-689585
Mob : 9497474307, Ernakulam Dist.

...Applicants

(By Advocate Mrs.P.K.Nandini)

v e r s u s

1. Union of India represented by Secretary,
Ministry of Defence, Govt of India
New Delhi 1.
2. The Engineer in Chief, Military Engineering Service,
Army Head Quarters, Kashmir Post,
DHQ Post, New Delhi 110 011.

3. The Chief Engineer, Military Engineering Service,
Head Quarters, Southern Command
Puna - 411001
4. The Chief Engineer (Naval Works)
Military Engineering Services
Naval Base P.0, Kochi. 682 004.
5. The Director/CRO, Central Record Office(Officers)
Palam, Delhi Cantt —110 010.
6. The Control of Defence Accounts, No.618
Thenampatt, Chennai — 18.Respondents

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

This application having been heard through video conference on 8.1.2021, this Tribunal on the same day delivered the following :

OR D E R (ORAL)

HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER

The applicants belong to the Military Engineering Service. The applicants were granted 1st ACP on 09.08.1999 in pay scale 5500-9000. The 6th Central Pay Commission introduced the revised pay scale w.e.f 1.1.2006 and pay scale Rs.5000-8000, Rs.5500-9000 and pay scale Rs.6500-10500 were merged and upgraded to pay scale Rs.7450-11500. As per Annexure A1, the applicants are entitled to get their pay fixed in Grade Pay Rs.4600 corresponding to pre-revised scale Rs.7450-11500 w.e.f 01.01.2006. As per para 27(ii) and (iii) of Annexure A2, the ACP granted to the

applicants before 1.1.2006 is to be ignored and upgradation would be allowed in the Grade Pay of Rs.4600 w.e.f 1.1.2006. The applicants completed 24 years of service on 2.4.2009/4.4.2009. Due to delay on the part of the respondents, 2nd ACP was denied to the applicants. The MACP scheme was introduced by the respondents on 19.5.2009 with retrospective effect from 1.9.2008. Hence 1st and 2nd MACP in Grade Rs.4600 and Rs.4800 were granted to the applicants. They approached this Tribunal seeking the following reliefs:

" (i) To direct the respondents to place the applicants in Grade Pay of Rs.4600 corresponding to the pay scale of Rs.7450-225-11500 by cancelling 1st and 2nd MACP granted w.e.f 1.9.2008

(ii) to direct the respondents to sanction the 2nd ACP to applicants 1 to 5 w.e.f 2.4.2009 and to applicants 6 to 8 w.e.f 4.4.2009 and place the applicants in the pre-revised pay scale of Rs.10000-325-15200 and to re-fix the pay in PB-3 15600-39100 with grade pay of Rs.6600; further to grant 3rd MACP on completion of 30 years ie.2.4.2015 and 4.4.2015 to the grade pay of Rs.7600 and to re-fix the retirement benefits of applicant no.8.

(iii) to grant such other reliefs as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case

(iv) to grant the cost of this original application. "

2. When the matter came up for consideration, counsel for the applicants submits that the applicants' case is squarely covered by the earlier decisions of this Tribunal and by the decision of the Hon'ble Karnataka High Court in Writ Petition Nos.24894 to 24908 of 2016 and she wants to get their case considered by the respondents.

3. **In view of the limited submission, the Original Application is disposed of with a direction to the 2nd respondent to consider the representations in the light of above judgments and relevant rules and regulations on the subject and pass a reasoned and speaking order within three months from the date of receipt of a copy of this order.**

4. The Original Application is disposed of as above. No costs.

(K.V.EAPEN)
ADMINISTRATIVE MEMBER

(P.MADHAVAN)
JUDICIAL MEMBER

SV

List of Annexures

Annexure A1 - True copy of OM dated 13-11-2009 issued by Government of India Ministry of Finance

Annexure A2 - True copy of clarification issued by Department of personnel and Training for frequently asked questions on MACP

Annexure A3 - True copy of order of ACP scheme issued through OM dated 09-08-1999 by Govt. of India Ministry of Personnel

Annexure A4 - True copy of order of Hon'ble High Court of Karnataka in WP No.24894/2016 dated 05-06-2017

Annexure A5 - True copy of representation dated 20-08-2020 by 1st applicant

Annexure A6 - True copy of representation dated 13-08-2020 By 2nd applicant

Annexure A7 - True copy of representation dated 13-08-2020 by 3rd applicant.

Annexure A8 - True copy of representation dated 14-08-2020 by 4th applicant.

Annexure A9 - True copy of representation dated 13-08-2020 5th applicant

Annexure A10 - True copy of representation dated 13.8.2020 by 6th applicant

Annexure A 11 - True copy of representation dated 13.8.2020 by 7th applicant

Annexure A12 - True copy of representation dated 19.10.2020 by 8th applicant.

...