



Central Administrative Tribunal Jammu Bench, Jammu

Hearing through video conferencing

O.A. No.61/132/2020
M.A. No.61/64/2020

Thursday, this the 2nd day of July, 2020

Hon'ble Dr. Bhagwan Sahai, Member (A)
Hon'ble Mr. Rakesh Sagar Jain, Member (J)

1. MES No.503562, Shri Om Prakash
S/o Shri Dhani Ram,
Aged 64 years
R/o Village Kawa, P.O. Kawa,
Tehsil & Distt. Udhampur - 182101
2. MES No.505723, Shri Chunni Lal Bharti
S/o Shri Chabru Bharti Nainsoo,
P.O. PTC, District Udhampur-182104
3. MES No.503847, Shri Chunni Lal
S/o Shri Ram Charan
R/o Village Malhar, P.O. Malhar
District Udhampur - 182104
4. MES No.503159, Shri Prabh Dayal
S/o Shri Anant Ram
Village Rathian, P.O. Sstani,
District Udhampur – 182101
5. Smt. Geeta Devi Late Shri Hem Raj (MES No.364605)
R/o Village Kawa, P.O. Kawa,
District Udhampur - 182101
6. MES No.364726, Des Raj
S/o Shri Badri Nath
R/o Village Vishal Jattan, P.O. Kawa
District Udhampur-182101
7. MES No.503971, Mohan Lal
S/o Shri Sardari Lal
R/o V.P.O. Ghari, District Udhampur-182101

8. MES No.503810, Shri Prem Chand
S/o Shri Faqiru Ram
R/o Village Kothi Bala, P.O. Kalli,
District Udhampur-182124

9. MES No.503736, Shesh Bandhu
S/o Shri Bansi Lal
R/o Golmala Rathian,
District Udhampur-182101

10. MES No.503165, Munahi Ram
S/o Shri Chunni Lal
R/o Village Malhar, P.O. and District
Udhampur-182104 ...Applicants

(Through Mr. K.B. Sharma, Advocate)

Versus

1. Union of India through the Secretary,
Ministry of Defence,
South Block, New Delhi-110001

2. The Engineer in Chief, Military Engineer Services,
Engineer-in-Chief's Branch, Integrated Hers. Of
MoD (Army), Kashmir House, DHQ, PO
New Delhi-110001

3. The Chief Engineer, Northern Command,
Military Engineering Services,
Udhampur (J&K)-182121

4. The Commander Works Engineer,
Military Engineering Services,
Udhampur (J&K)-182121

5. The Garrison Engineer (U),
Military Engineering Services,
Udhampur (J&K)-182121 ...Respondents

(Through Mr. Raghu Mehta, Senior Standing Counsel, for
respondents)

O R D E R (ORAL)

Dr. Bhagwan Sahai, Member (A):

Shri Om Prakash son of Shri Dhani Ram and 9 others have filed this OA on 30.06.2020 seeking direction to the respondents to consider granting of 2nd ACP to them in pay

scale of Rs.5000-8000 on completion of 24 years of service from 01.01.2006 in pay scale of Rs.9300-34800 + G.P. 4200/- and 3rd MACP in the pay scale of Rs.9300-34800 + G.P. Rs.4600/- on completion of 30 years of service with consequential benefits, along with payment of cost of this OA.

2. We have heard Shri K.B. Sharma, learned counsel for the applicants and Shri Raghu Mehta, Senior Standing Counsel, on behalf of respondents.

3. In the OA and during arguments, the main contention of the applicants is that after joining as Mazdoors with the respondents between 05.07.1974 and 12.06.1978, their designations have been subsequently changed from time to time and their pay scales were also revised as per 3rd, 4th and 5th CPCs. However, on completion of 24 years of service, the respondents have not granted them the benefit of 2nd ACP in the relevant pay scales. In support of their claim, the applicants have also cited some case law and have submitted their grievances through legal notice dated 27.02.2020 addressed to respondents 3, 4 and 5. However, even after that, they contend that their grievance has not been redressed by the respondents.

4. While the respondents seek time to file a detailed reply to the OA, after arguing the case for some time, the applicants' counsel submitted that the applicants would be satisfied if this OA is disposed of at this stage with direction to the respondents

to look into their grievance as articulated in legal notice dated 27.02.2020.

5. In view of the above, we dispose of this OA with direction to respondents 3, 4 and 5 to treat the applicants' legal notice dated 27.02.2020 as a representation and decide it as per provisions of applicable rules, provisions of ACP and MACP Schemes and various instructions/clarifications issued by DoP&T from time to time regarding implementation of these Schemes. This should be done by the respondents within a period of three months from the date of receipt of a copy of this order by passing a reasoned and speaking order, which should then be communicated to the applicants. With this, the OA stands disposed of. No costs.

(Rakesh Sagar Jain)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

/dkm/