

**Central Administrative Tribunal
Ernakulam Bench**

O.A No.180/00303/2017

Monday, this the 22nd day of March, 2021

CORAM:

Hon'ble Mr. P.Madhavan, Judicial Member

Hon'ble Mr.K.V.Eapen, Administrative Member

K.Muniyasamy

Assistant Engineer (Civil)

O/o the GE(P) Ezhimala

Military Engineer Services

- Applicant

(By Advocate: Mr.R.Sreeraj)

Versus

1. The Union of India
Represented by its Secretary
to the Government of India
Ministry of Defence
New Delhi – 110 001
2. The Engineer-in-Chief, Military Engineer Services
New Delhi – 110 001
3. The Chief Engineer Southern Command
Military Engineer Services, Pune – 411 001
4. The Garrison Engineer (P)
Military Engineer Services
Indian Naval Adademy,
Ezhimala, Kannur-670 308

- Respondents

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

The O.A having been heard on 22nd March, 2021, this Tribunal delivered the following order on the same day:

ORDER (ORAL)

P.Madhavan, Judicial Member

This Original Application has been filed by the applicant seeking the following reliefs:

“ i. Declare that inaction on the part of the respondents to grant the applicant the benefits of 2nd MACP is illegal, arbitrary, unjust, unreasonable and irrational and that the same violates Articles 14 & 16 of the Constitution of India.

ii. Direct the respondents to grant the applicant the benefits of the 2nd MACP with all consequential benefits including arrears and interest as expeditiously as possible and at any rate within a time frame to be prescribed by this Hon'ble Tribunal.

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

iv) Grant the cost of this Original Application. ”

2. When the matter was taken up for consideration, counsel for the respondents submits that the respondents have filed their reply statement and in paragraph 3 of the reply statement, it is clearly mentioned that the relief has already been granted to the applicant. Counsel for the applicant submits that the Original Application has become infructuous. Hence it is closed as infructuous. No costs.

(K.V.Eapen)
Administrative Member

(P.Madhavan)
Judicial Member

List of Annexures

Annexure A1 - dated 20.2.2013	True copy of the Letter No.41002/MACP/SC/E1 DPC (PP&SUB)
Annexure A2 - dated 4.3.2013	True copy of the Letter No.150101/MACP/JEs/874/EIB(R-DPC)
Annexure A3 - applicant	True copy of the representation dated 7.10.2013 submitted by the
Annexure A4 -	True copy of the letter No.1044/MACP/1263/EIB dated 25.10.2013 issued by the GE(I) R&D Pashan, Pune-21 along with a copy of the Special Part II Order dated 21.10.2013 in respect of the applicant
Annexure A5 - applicant	True copy of the representation dated 30.7.2014 submitted by the
Annexure A6 -	True copy of the Letter No.1044/1295/EIB dated 7.8.2014
Annexure A7 -	True copy of the letter No.1044/1428/EIB dated 10.2.2016
Annexure A8 -	True copy of the Letter No.170101/GE(I)R&D Pashan/EIR(P/F Gp III) dated 18.3.2016 along with its enclosures
Annexure A9 -	True copy of the Show Cause Notice No.104/61/EIC dated 27.1.2017
Annexure R1(a)	True copy of letter No.41002/MACPO/SC/EIDPC (PP&SUB) dated 20/02/2013
Annexure R1(b)	True copy of letter No.B/46200/457/E1 legal dated 26.12.2017
Annexure R2	True copy of letter No.109011/CEKZ/K dated 28.12.2017 issued by Headquarters Southern Command , Pune
Annexure R3	True copy of letter No.130806/BS/BLR/83/EID dated 27.12.2018.

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