

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:

O R D E R (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 - True copy of the Letter No.41002/MACP/SC/E1 DPC (PP&SUB) dated 20.2.2013

Annexure A2 - True copy of the Letter No.150101/MACP/JEs/874/EIB(R-DPC) dated 4.3.2013

Annexure A3 - True copy of the representation dated 7.10.2013 submitted by the applicant

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 - True copy of the representation dated 30.7.2014 submitted by the applicant

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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