

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00351/2021

Friday, this the 30th day of July, 2021

CORAM:

Hon'ble Mr. P. Madhavan, Judicial Member

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

M. Balachandran Nair, aged 72 years,
S/o (late) Madhavan Pillai,
Retired Stenographer Grade I,
Assam Rifles, Training Centre & School,
P.O. Dimapur, Nagaland, Residing at Sree Prasadham,
Netaji Nagar, P.O. Valuthungal, Kollam District,
Pin- 691018. - Applicant

(By Advocate: Mr.T. C. Govindaswamy)

Versus

1. Union of India represented by the
Secretary to the Government of India,
Ministry of Home Affairs ,
New Delhi-110001.
2. The Director General, Assam Rifles,
Ministry of Home Affairs, Government of India,
Shillong -793010.
3. The Accounts Officer (Pension Section),
Office of the Pay & Accounts Officer, Assam Rifles
Ministry of Home Affairs,
Laithumkhrah, Shillong- 793011. - Respondents

(By Advocate: Ms.Mini R. Menon, ACGSC)

The O.A having been heard on 30th July, 2021 through video conferencing, this Tribunal delivered the following order on the same day:

ORDER (Oral)

Hon'ble Mr. P. Madhavan, Judicial Member –

The applicant is a retired Stenographer Grade I of the Assam Rifles, Ministry of Home Affairs, and presently residing in Kerala. The applicant is aged about 72 years. The applicant is aggrieved by non-grant of the 3rd financial up-gradation under the MACP Scheme resulting in substantial reduction in his pension and other retirement benefits for reasons not communicated to the applicant even as on this date. The representations submitted by the applicant are still remain unresponded to. Hence the applicant has filed this OA seeking the following reliefs:

“(i) Declare that applicant is eligible to be granted the 3rd financial up-gradation under the MACPs in PB2 + GP Rs.4600/- W.e.f. 01.09.2008 and direct the respondents to grant the consequential benefits accordingly;

(ii) Direct the respondents to grant the applicant the benefit of the 3rd financial up-gradation in PB2 + GP Rs.4600/-. W.e.f. 01.09.2008 with all consequential benefits arising there from, including arrears of pay and allowances, pension and other retirement benefits.

(iii) Award costs of and incidental to this Application; and

(iv) Pass such other orders or directions as deemed just, fit and necessary in the facts and circumstances of the case.”

2. When the matter came up for consideration today, it appears from the records that no representation is given by the applicant so far. The counsel for the applicant submits that the Department has granted same relief to the similarly placed persons earlier.

3. **In view of the above, we direct the applicant to file a detailed representation along with copies of the documents to the Competent**

Authority within two weeks from today and the Competent Authority will dispose of the representation based on the rules and regulations on the subject within a period of 3 months from the date of receipt of a copy of such representation.

4. 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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Original Application No. 180/00295/2021

APPLICANT'S ANNEXURES

Annexure A1 – True copy of the Order bearing No.A/I-A/10-83/247 dated 31.07.1983, communicated by Memo dated 01.08.1983, issued from the office of the 2nd respondent.

Annexure A2 – A true copy of the discharge certificate bearing Serial No.7 – dated 05.08.1983.

Annexure A3 – True copy of the Order bearing No. A/I-A/10-Vol.IV/2 dated 28.12.1993 issued from the office of the 2nd respondent.

Annexure A4 – True copy of the Office Memorandum No.35034/3/2008 (Estt. D) dated 19.05.2009 issued by the DOP&T,

Annexure A5 – True copy of the representation dated 26.08.2009, submitted by the applicant to the 2nd respondent, along with its forwarding recommendations.

Annexure A6 – True copy of another representation dated 07.04.2010 submitted by the applicant to the 2nd respondent.

Annexure A7 – True copy of the statement filed on behalf of the respondents in OA No. 121/2020- P.M. Balakrishnan Vs. Union of India and others dated November, 2020.

Annexure A8 – A True copy of the corrigendum referred to by the respondents in Annexure A7 bearing No. Rec (Adm-1)/16/MACPS-C1K/2020/576 dated 07th September 2020 issued from the office of the 2nd respondent.

Annexure A9 – A true copy of the representation dated 20.07.2021 submitted by the applicant addressed to the 2nd respondent.

RESPONDENTS' ANNEXURES

Nil

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