**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A./100/1292/2021
M.A./100/1451/2020

New Delhi, this the 9th day of July, 2021

**Hon'ble Mr. A.K. Bishnoi, Member (A)
Hon'ble Mr. R.N. Singh, Member (J)**

Harinder Singh, Office Supdt., age 51 years, Group C
S/o Lt. Shri Beg Minter
R/o H.No.17, Gali No.20, Jain Road,
R.K. Block, Bhagwati Garden Extension
Uttam Nagar, New Delhi-110051   ... Applicant

(Through Shri B.C. Nagar, Advocate)

        Versus

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

2.   Controller of Defence Accounts (Army)
        Meerut Cantt., Meerut   ... Respondents

(Through Dr. Ch. Shamsuddin Khan, Advocate)

ORDER (ORAL)

Hon'ble Mr. R.N. Singh, Member (J)

        M.A. 1451/2020 has been filed seeking condonation of

delay of one year and two months in filing of the

accompanying OA.

2.   Learned counsel for the applicant submits that the

applicant has requested for the benefits of MACP after

completion of 30 years of qualifying service, however, the respondents have replied vide letter dated 26.10.2018 that needful shall be done after receipt of necessary clarification referred to in the said letter. In the accompanying OA, the applicant has challenged the said letter dated 26.10.2018.

3.   Pursuant to notice from this Tribunal, the respondents have filed reply opposing the MA. The applicant has filed rejoinder in response to such reply.

4.   We have heard the learned counsels for the parties and have also perused the pleadings on record.

5.   It is not in dispute that in the accompanying OA, the grievance of the applicant is for non-grant of benefits under MACP. Admittedly, it has caused monetary loss to the applicant and thus gives rise to recurring cause of action. Moreover, letter dated 26.10.2018 is not a final decision of the respondents. Rather, the same is a communication from one department to another seeking certain clarifications.

6.   In the facts and circumstances, we are of the considered view that the present MA deserves to be allowed and delay, if any, in filing of the OA deserves to be condoned. Accordingly, MA is allowed. Delay, if any, in filing of the accompanying OA is condoned.

7.   With the consent of the learned counsels for the parties, the OA has been taken up for hearing on admission.

8.   In the OA filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has challenged the order dated 26.10.2018 (Annexure A-1).   This letter admittedly is not a final decision on the claim of the applicant.   Rather the same is an internal communication of the respondents vide which certain clarifications have been sought by one wing of the respondent department from another wing of the department.   More than two years have passed since then, however, final decision has not been taken by the respondents on the claim of the applicant.

9.   In the present OA, the applicant has prayed for the following reliefs:

> "(i)   To quash the impugned orders vide letter no. Pay Tech/PF/11634/Fix/Return/Pay   Tech Section/Defence   Account/Meerut   Cantt.   Dated 26.10.2018.
>
> (ii)   To allow the benefit of 3rd MACP which is due from 01.09.2018 after completion of 30 years qualifying service.
>
> (iii)   cost of the present case may be awarded in favour of the applicant and against the respondents.
>
> (iv)   Any other relief which the Hon'ble Tribunal may deem fit, just and proper in the circumstances of the case, may also be passed in the interest of justice."

10.   In the facts and circumstances, with the consent of the learned counsels for the parties, the present OA is disposed of with a direction to the respondents to consider the claim

of the applicant with regard to benefits under MACP, of course after due deliberations and in accordance with the relevant rules and instructions on the subject, as expeditiously as possible and in any case within 12 weeks of receipt of a copy of this order.

11. OA is disposed of in the aforesaid terms. No costs.

Registry is directed to assign an appropriate number to the OA.

(R.N. Singh)   (A.K. Bishnoi)
Member (J)   Member (A)

/dkm/daya/