

CENTRAL ADMINISTRATIVE TRIBUNAL

CHANDIGARH BENCHOA. 060/00248/2014Chandigarh, this the 17th day of April, 2015

CORAM:HON'BLE MRS.RAJWANT SANDHU, MEMBER(A)
HON'BLE DR. BRAHM A.AGRAWAL, MEMBER(J)

S.D. Dogra, S/o Sh. Anant Ram, aged 61 years, resident of Adarsh Colony, Village Sarna, P.O. Sarna, Tehsil & District Pathankot, Punjab.

.....Applicant

BY ADVOCATE: **SH. ROHIT SHARMA**

VERSUS

1. Union of India through the Secretary, Government of India, Ministry of Defence, New Delhi.
2. Comptroller General of Defence Accounts, New Delhi.
3. Principal Controller of Defence Accounts, Allahabad.
4. Controller of Defence Accounts (Funds), Meerut.
5. Principal Controller of Defence Accounts, Western Command, Chandigarh.
6. Area Accounts Officer, Western Command, Pathankot.
7. Defence Estate Officer, Pathankot. *AS* _____

8. Principal Director, Ministry of Defence, DE Western Command, Kendriya Sadan, Chandigarh.

.....Respondents

BY ADVOCATE: **SH. DEEPAK AGNIHOTRI**

ORDER

HON'BLE MRS. RAJWANT SANDHU, MEMBER(A):-

1. This OA has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking the following relief:-

"(ii) Quash the letter/order dated 17.2.2014 (Annexure A-1) as conveyed to the applicant vide letter dated 25.2.2014 (Annexure A-2) vide which it has been intimated that as the applicant had already been granted two upgradations under ACP Scheme in the pay scale of Rs. 1400-2300 and Rs. 1600-2660, therefore, he was not entitled to grant of 2nd ACP (ignoring the fact that these two scales stood merged) and it has further been informed that applicant was not entitled to grade pay of Rs. 4800 on grant of 3rd MACP and as such pay fixation on grant of 2nd ACP may be got cancelled and case for refixation of pay on grant of 3rd MACP has been ordered to be initiated in the Grade Pay of Rs. 4600 only and over payment is to be worked out and recovery be ordered and in that process applicant has been asked to contact the respondents and submit the documents on revised basis.

(iii) Issue direction to the respondents to release to the applicant benefits of retiral dues including GPF, DCRG, Commuted value of pension, CGIS, Pension w.e.f. 1.10.2013 on the basis of documents already furnished by him, with interest thereon @ 18% per annum w.e.f. 1.10.2013 to the actual date of payment."

MS _____

2. Written statements have been filed by the Defence Estates Officer, Pathankot Circle and by ACDA, office of PCDA (WC) Chandigarh.

3. When the matter came up for consideration today, learned counsel for the applicant stated that in both the written statements, it has been conceded that the applicant was entitled to third MACP of Rs. 4800. He stated that the pensionary benefits of the applicant had however been released on the basis of Grade Pay of Rs. 4600. He requested that although relief sought vide para 8(i) of the OA had been rendered infructuous, the pensionary benefits due to the applicant needed to be revised as per his Grade Pay of Rs. 4800/- at the time of retirement and arrears due to the applicant on this account be released to him expeditiously.

4. Sh. Deepak Agnihotri, learned counsel for the respondents did not oppose this submission made by the learned counsel for the applicant.

5. Considering the ad idem between the parties, this OA is disposed of with directions to the respondent department to ensure that the pensionary benefits of the applicant are revised as per his Grade Pay of Rs. 4800 at the time of retirement and the arrears

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due to him released accordingly alongwith interest on account of belated payment as per Government guidelines. Action in this regard may be completed within a period of two months of a certified copy of this order being served upon the respondents. No costs.

Ms.

(RAJWANT SANDHU)
MEMBER(A)

B. A. Agarwal

(DR. BRAHM A.AGRAWAL)
MEMBER(J)

Dated: April 17th, 2015.
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