

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH  
CHANDIGARH**

**O.A. No.060/00762/2014**

**Decided on: 02.09.2014**

**Coram: Hon'ble Mr. Sanjeev Kaushik, Member (J)  
Hon'ble Mr. Uday Kumar Varma, Member (A)**

MES No. 358413 Mohinder Singh, MCM (Retd.), S/o Sh. Chajja Singh,  
R/o 2849/B/12, Basant Vihar, Industrial Area, Ambala City.

**.....Applicant**

**Versus**

1. Union of India through Secretary, Ministry of Defence, New Delhi.
2. The Engineer in Chief, Army HQ, New Delhi.
3. The Chief Engineer Northern Command, Udhampur.
4. Commander Works Engineer, 135 Works Engineer, C/o 56 APO
5. Garrison Engineer, 865, EWS, C/o 56 APO
6. Principal Comptroller of Defence Accounts, Dropti Ghat, Allahabad.

**.....Respondents**

Present: Mr. Shailendra Sharma, counsel for the applicant

**Order (Oral)**

**By Hon'ble Mr. Sanjeev Kaushik, Member(J)**

1. By way of the present O.A., the applicant has sought issuance of a direction to the respondents to grant him the grade pay of Rs.4600/- as 3<sup>rd</sup> MACP to the applicant w.e.f. 01.09.2008 and consequential benefits on completion of 30 years of service.

2. In support of the claim, learned counsel for the applicant submits that the applicant had retired 31.07.2009 and he became entitled to the 3<sup>rd</sup> MACP after completion of 30 years of service on 01.09.2008 but the benefit has not been granted to him. He further submits that the applicant made a representation 01.11.2013 (Annexure A-3) to the respondents for the grant of relevant benefits but the same has not been decided till date.

3. Learned counsel of the applicant makes a statement at the Bar that the applicant would be satisfied if the O.A. is disposed of with a direction to the respondents to decide his representation (Annexure A-3) in a time-bound manner.

4. In view of the limited prayer of the applicant and for the order which we propose to pass, there is no need to issue notice to the respondents and call for their reply. Moreover, the respondents have not yet taken a view on the representation, which they are bound to do as per the Section 20 of the Administrative Tribunals Act, 1985, therefore, no prejudice would be caused to them by non-issuance of notice and in any case a litigant is expected to firstly avail the departmental remedy and only then approach this Tribunal..

5. Accordingly, the O.A. is disposed of, without going into the merits of the case, with a direction to the Respondent No. 4 to consider the representation (Annexure A-3) and take a view in accordance with



law, within two months from the date of receipt of a copy of the order. If the applicant is found entitled to the relevant benefits, the same may be granted to him, otherwise a speaking and reasoned order be passed on his claim and a copy thereof shall be communicated to the applicant. Needless to say that we have not expressed any opinion on the merits of the case.

6. No costs.

*Uday Kumar Varma*  
(UDAY KUMAR VARMA)  
MEMBER (A)

*Sanjeev Kaushik*  
(SANJEEV KAUSHIK)  
MEMBER (J)

PLACE: Chandigarh  
Dated: 02.09.2014

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