

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
CHANDIGARH**

O.A. No.060/00862/2014

Decided on: 26.09.2014

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

Shanti Parkash s/o Sh. Girdhari Lal, aged 65 years, resident of c/o Dharminder Kumar, MES Atr No. 630/5, GE(AF) Adampur (PB)

**.....Applicant
Versus**

1. Union of India through its Secretary, Ministry of Defence, North Block, New Delhi.
2. Commander-works, Engineer, MES, Jalandhar Cantt.
3. Garrison Engineer, Air Force, Adampur (PB)
4. Principal Controller of Defence Accounts (Pensions), Draupadi Ghat, Allahabad.

.....Respondents

Present: Mr. P.S. Khurana, 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 2nd and 3rd financial upgradation in the pay scale of Rs.5000-150-8000 and Rs.9300-34800(G.P. Rs.4200/-).
2. Learned counsel for the applicant contends that the applicant has been given the benefit of MACP in pursuance of the directions of

this Tribunal in O.A. No. 463/PB/2011 earlier filed by him, which was disposed of by a declaration that the "applicants would be entitled to the benefits under the ACP Scheme from the date of completion of 24 years of service and not from the date when they qualified the test ". Learned counsel contends that the applicant was granted pay scale of Rs. 4000-6000 on account of 2nd MACP w.e.f. 09.08.1999 whereas his junior has been granted this pay scale on account of 1st MACP w.e.f 09.08.1999, which is discriminatory and in contravention of the relevant rules on the subject. He further contends that due to grant of 2nd ACP in the lower pay scale, he has been granted the 3rd MACP also in the lower pay scale i.e. pay band of Rs.5200-20200(Grade pay of Rs.2400/-). He further submits that before approaching this Tribunal, the applicant had served a legal notice dated 23.04.2014 (Annexure A-10) for the redressal of his grievance, which is still pending consideration.

3. Learned counsel for the applicant makes a statement at the Bar that the applicant would be satisfied if a direction is issued to the respondents to consider legal notice (Annexure A-10) and take a view thereon, within a stipulated period.
4. For the order we propose to pass, there is no need to issue any notice to the respondents and call for their reply as the respondents have not yet taken a view on the legal notice served

1985 and, therefore, non-issuance of notice would not cause any prejudice to them.

5. Accordingly, we dispose of this O.A., with a direction to the competent Authority amongst the respondents to consider the claim of the applicant and take a view on the legal notice aforesaid in accordance with law and relevant rules on the subject, within a period of three months from the date of receipt of a copy of the order. Needless to say that we have not expressed our opinion on the merits of the case.
6. No costs.

(UDAY KUMAR VARMA)
MEMBER (A)

PLACE: Chandigarh
Dated: 26.09.2014

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(SANJEEV KAUSHIK)
MEMBER (J)