

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

RA 216/2016 in
OA 879/2012

New Delhi, this the 4th day of October, 2016

**Hon'ble Mr. P.K. Basu, Member (A)
Hon'ble Dr. Brahm Avtar Agrawal, Member (J)**

1. The Union of India
(Through Secretary)
Ministry of Defence
South Block, New Delhi
2. The Director General
Remount and Veterinary Service (RV-1)
Integrated HQ of MOD (Army)
QMG's Branch, AHQ, West Block-III
R.K. Puram, New Delhi
3. The Controller General of Defence Accounts
Ulan Batar Marg,
Palam, Delhi Cantt.
4. The Controller General of Defence Accounts (Army)
Belvadier Complex,
Meerut Cantt. (U.P.)
5. The Records Officer
RVC Records
Meerut Cantt (U.P.)
6. The Commandant
RTS & Depot
Saharanpur (U.P.)

... Review Petitioners

Versus

1. Shri Brij Singh Ex. P.No.4370
S/o Late Shri Naurang Singh R/o Near
Prankur Hospital Roadways Colony, Dehradun Road
Saharanpur (U.P.)
2. Shri Dharampal Sharma Ex. P.No.4363
S/o Late Shri Ram Lal Sharma
R/o 3/1354/4, New Bhagat Singh Colony,
New DM Avas, Gali No.3,
Saharanpur (U.P.)

3. Shri Gurnam Singh Ex. P.No.4369
S/o Late Shri Mange Ram
R/o H.No. 140 Village Nangal Industrial Area
Ambala Cantt.
4. Shri Dharambir Ex. P.No.4451
S/o Late Shri Harnam Singh
R/o 11, Janak Puri
Dehradun Road Saharanpur (U.P.)
5. Shri Salim Ahmad Ex. P.No.4450
S/o Late Shri Bundu Khan
R/o Village Manak Mau
Gangoh Road, Saharanpur (U.P.)
6. Shri Ved Prakash Ex. P.No.4452
S/o Late Shri Ram Prashad Rao
R/o Village & Post DUDHLI Dehradun Road,
Saharanpur (U.P.) ... Respondents

ORDER (In Circulation)

Mr. P.K. Basu, Member (A)

This Review Application (RA) has been filed against the order dated 22.07.2016 passed in OA 879/2012 and OA 2771/2012.

2. The Review Application is filed on the following two grounds:

(i) That the Review Applicants in para 2 of their counter affidavit have stated the claim of applicants to grant them second ACP (Rs.5000-8000) under clarification No.10 of DOPT O.M., clarification dated 10.02.2000 is only a figure of imagination of the applicant as it clearly says "for remaining isolated posts, the pay scales contained Annexure II of O.M. dated 9.08.1999 (ACP

Scheme) shall apply". This point has not dealt and no findings were there on this point in the order dated 22.07.2016; and

(ii) That in para 4.9 of the counter affidavit the claim of applicant to the pay scale applicable in other department does not hold any merit as Recruitment Rules and service conditions are different. If pay scales of Ordnance factory are required to make applicable to RVC, the entire Recruitment Rules of RVC will be required to be changed. Shri Ganga Ram got the benefit by virtue of transfer from RVC to Ordnance. This point is also not dealt and no findings were give on this point in the order dated 22.07.2016.

3. We find from our order dated 22.07.2016 that the clarification dated 10.02.2000 and OM dated 9.08.1999 had been considered by us in para 4, 5 and 10 of our order. Moreover, the case of Shri Ganga Ram has not formed the basis for our order dated 22.07.2016 but because of the reason that as on 9.08.1999, the applicants had completed 24 years of regular service and, therefore, their ACP upgradation on 9.08.1999 should have been not in the pay scale of Rs.4500-7000 but Rs. 5000-8000 in view of para 7 of Annexure-I of the DoP&T OM dated 9.08.1999. Therefore, it is incorrect on the part of the respondents to state that the issues raised by them in para 2 and para 4.9 of their reply to the OA have not been

considered.

4. R.A. is, therefore, dismissed in circulation.

(Dr. Brahm Avtar Agrawal)
Member (J)

(P.K. Basu)
Member (A)

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