

Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.1328/2015

M.A.No.3672/2015

M.A.No.3674/2015

Order Reserved on: 09.10.2015

Order pronounced on 03.11.2015

Hon'ble Shri V. Ajay Kumar, Member (J)

Hon'ble Shri P. K. Basu, Member (A)

1. Rajkumar Pashine
S/o Late Ramkishore Pashine
Aged 65 years P No.845894
H No.3035/1A Oppo St Gabriel School
Chandrashekhar Ward Ranjhi
Jabalpur 482 005 (MP).
2. Anil Kumar Nigam
S/o Late K.N. Nigam
Aged 58 years
P No.845882,
Junior Works Manager
P&P Section Ordnance Factory Khamaria
Jabalpur 482 005.
3. Tapas Kanti Sarkar
S/o Late BK Sarkar
Aged 59 years
P No.845529
Junior Works Manager
P&P Section
Ordnance Factory
Khamaria
Jabalpur 482 005.
4. Suman Nath Sanyal
S/o Late Shambhu Nath
Aged 56 years
P No.845873

Junior Works Manager
MCO Section
Ordnance Factory
Khamaria
Jabalpur 482 005.

5. Umesh Kumar Malviya
S/o Late R.P.Malviya
Aged 58 years
P No.845606
Junior Works Manager
IED Section
Ordnance Factory
Khamaria
Jabalpur 482 005.

6. Prem Kumar Dhuper
S/o Late S R Dhupar
Aged 57 years
P No.845797
Junior Works Manager
F12 Section
Ordnance Factory
Khamaria
Jabalpur 482 005.

7. Gopal Singh Thakur
S/o Late S P Thakur
Aged 59 years
P No.846283
Junior Works Manager
PV Section
Ordnance Factory
Khamaria
Jabalpur 482 005.

8. Sunil Anant Kumar
S/o Hemlet Hiralal
Aged 57 years
P No.845933
Asstt. Works Manager
Ordnance Factory
Khamaria
Jabalpur 482 005.

9. Devendra Singh Thindh
S/o Late Gurudev Singh
Aged 57 years
P No.845798
Junior Works Manager
Section GM Sect.
Ordnance Factory
Khamaria
Jabalpur 482 005.
10. Tilak Kumar Joshi
S/o Late B.D.Joshi
Aged 53 years
P No.846341
Junior Works Manager
P&P Section
Ordnance Factory
Khamaria
Jabalpur 482 005.
11. Narendra Kumar Beohar
S/o Late Munnial Beohar
Aged 59 years
P No.845698
Junior Works Manager
P&P Section
Ordnance Factory
Khamaria
Jabalpur 482 005.
12. Ganesh Kumar Nema
S/o Late P R Nema
Aged 59 years
P No.845835
Junior Works Manager
QA Mat Sec
1/58 New Ramnagar Adhartal
Jabalpur 482 004.
13. Palash Chatterjee
S/o Late PN Chatterjee
Aged 58 years
P No.845872
Junior Works Manager
WO Sec H No.3017/1
Chandan Colony Ranjhi
Jabalpur 482 005 (MP).

14. Subir Kumar Bhattacharjee
S/o N. N. Bhattacharjee
Aged 59 years
P.No.845880,
Junior Works Manager
F7 Section
Ordnance Factory Khamaria
Jabalpur 482 005.
15. Rajendra Kumar Mahto
S/o Late R.N.Mahto
Aged 55 years, P.No.845871
Junior Works Manager
P&P Section
Ordnance Factory Khamaria
Jabalpur – 482 005.
16. Ram Najar Chaturvedi
S/o Late R K Chaturvedi
Aged 64 years
P No.845705
Saket Vihar Manegaon
PO Khamaria
Ranjhi
Jabalpur 482 005.
17. Chandra Mohan Dutta
S/o Mehta Sitaram Dutta
Aged 61 years
P No.845883
H No.3134/3, Narsinghnagar
Ranjhi
Jabalpur 482 005 (MP).
18. Ahuja Bhim Roshanlal
S/o Late Roshanlal
Aged 68 years
P No.845915
H. No.459
Diwanbada Near Shiv Mandir
Manegaon
PO Khamaria Ranjhi
Jabalpur – 482 005 (MP).

19. Balram Prasad Mishra
S/o K P Mishra
Aged 60 years,
P No.846287,
H. No.1547/5 Saraswati Colony Cherital
Jabalpur 482 002 (MP).
 20. Smt Meena V. Soni
W/o Vrandavan Soni
Aged 64 years
P No.845895, 66 Saket Nagar
Infront of Church Ranjhi
Jabalpur 482 005 MP
 21. Smt. Sheela Shrivastava
W/o M.L.Shrivastava aged 62 years
P No.846281
H No 636 Near Shitalamai Mandir
Jabalpur 482 005.
 22. Baljinder Singh Bhatia
S/o Late G S Bhatia
Aged 63 years
P No.846342
H No.2013, Vatika Vihar
Near Saket Nagar
Ranjhi
Jabalpur 482 005(MP).
- ... Applicants

(By Applicant No.1 in person)

Versus

1. The Union of India,
Ministry of Defence
Through the Secretary
South Block
New Delhi – 110 001.
2. The D.G.O.F./Chairman
Ordnance Factory Board
10-A S.K.Bose Road
Kolkatta – 700 001.

3. The Senior General Manager
Ordnance Factory
Khamaria
Jabalpur – 482 005. ... Respondents

(By Advocate: Shri R.K.Sharma)

ORDER

By V. Ajay Kumar, Member (J):

Heard.

2. M.A.No.3672/2015, filed for joining together in a single application, is allowed.

3. M.A.No.3674/2015 filed for condonation of delay in filing the Original Application is also allowed for the reason that where the issue relates to payment or fixation of salary or any allowance, the challenge is not barred by limitation or the doctrine of laches, as the denial of benefit occurs every month when the salary is paid, and as the present case is also one such case, as declared by the Hon'ble Apex Court in **State of Madhya Pradesh and Others v. Yogendra Shrivastava**, (2010) 10 SCC 538, and the relevant part of the said Judgement reads as under:

"18. Where the issue relates to payment or fixation of salary or any allowance, the challenge is not barred by limitation or the doctrine of laches, as the denial of benefit occurs every month when the salary is paid, thereby giving rise to a fresh cause of action, based on continuing wrong. Though the lesser payment may be a consequence of the error that was committed at the time of appointment, the claim for a higher allowance in accordance with the Rules (prospectively from the date of application) cannot be rejected merely because it arises from a wrong fixation made several years prior to the claim for correct payment. But in respect of grant of consequential relief of recovery of arrears for the past period, the principle relating to

recurring and successive wrongs would apply. Therefore the consequential relief of payment of arrears will have to be restricted to a period of three years prior to the date of the original application. [See: **M.R. Gupta vs. Union of India** - 1995 (5) SCC 628, and **Union of India vs. Tarsem Singh** 2008 (8) SCC 648]”

4. Whether, Para 5 of Annexure-I of the Modified Assured Career Progression Scheme (MACPS), for the Central Government Civilian Employees, issued vide Office Memorandum dated 19.05.2009, properly applied in case of the applicants, is the issue to be determined, in the present OA.

5. Since as agreed by the learned counsel for the parties that the facts and law involved in the present OA are identical to that of the facts and law in OA No.1681/2015, and since the said OA is dismissed today, by a separate order for the reasons mentioned therein, this OA is also dismissed, for parity of reasons. No costs.

6. Let a copy of the order in OA 1681/2015 be enclosed to this order.

(P. K. Basu)
Member (A)

(V. Ajay Kumar)
Member (J)

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