

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 Munnilal 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)

**O R D E R**

**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)

/nsnrvak/