

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 1054/2015

M.A. No. 936/2015

With

O.A. No. 1072/2015

M.A. No. 988/2015

New Delhi, this the 8th day of November, 2017

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MS. NITA CHOWDHURY, MEMBER (A)**

O.A. No. 1054/2015

1. Gulshan Singh,
Aged 58 years, FED,
S/o Shri Amar Singh,
R/o H.No.839/23, Heera Nagar,
Khansha Road, Near DAV School,
Gurgaon.
2. Om Prakash,
Aged 56 years, FED,
S/o Shri Ram Pat,
R/o Village Karodha,
PO-Gawalision,
Distt. And Tehsil – Jhajjar,
Haryana.
3. Mohinder Kumar,
Aged 56 years, FED,
S/o Late Shri Balram Singh,
R/o RZ-B-168, Raj Nagar Part-I,
Palam Colony, New Delhi-110045.

.. Applicants

(By Advocate : Shri B.L. Wanchoo)

Versus

1. Union of India
Through Secretary,
Ministry of Defence,
South Block,
New Delhi-110001.

2. Director General EME,
'B' Block Hutments,
DHQ PO, New Delhi-110001.
3. Chief Records Officer,
EME,
Secundrabad, Andhra Pradesh.
4. Commandant,
505, Army Base Workshop,
Delhi Cantt.-110010.

.. Respondents

(By Advocate : Shri Rajinder Nischal)

O.A. No. 1072/2015

1. Ram Mehar Suhag,
Aged 54 years, FED,
S/o Shri Wazir Singh,
R/o R-841, Gali No.5/10,
Main Sagar Pur,
New Delhi-110046.
2. Devi Saran Vimal,
Aged 50 years, FED,
S/o Shri Ram Gopal,
R/o Adipur, Distt. Meerut, UP.

.. Applicants

(By Advocate : Shri B.L. Wanchoo)

Versus

1. Union of India
Through Secretary,
Ministry of Defence,
South Block,
New Delhi-110001.
2. Director General EME,
'B' Block Hutments,
Army HQs, New Delhi-110001.
3. Chief Record Officer, EME,
Secundrabad,
Andhra Pradesh.

4. Commandant,
505, Army Base Workshop,
Delhi Cantt.-110010.

.. Respondents

(By Advocate : Shri Rajinder Nischal)

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

Heard both the sides.

2. MA No. 936/2015 in O.A. No.1054/2015 and M.A. No.988/2015 in O.A. No.1072/2015, filed for joining together, are allowed.

3. In view of identical reliefs claimed in both the OAs, with the consent of counsel for both the parties, the OAs are being heard together and are being disposed of by this common order.

4. The applicants in both the OAs filed the OAs seeking the following reliefs:

- “(i) To call for the records with relevant files pertaining to the grievance of the applicants and the action taken thereto.
- (ii) To quash and set aside the impugned order No.50602/Part-Fuke/Fire Staff/Est (NI) dated 10.2.2015 rejecting the request of applicants for grant of 3rd financial upgradation @ Rs. 4200/- under MACP Scheme on completion of 30 yrs of service.
- (iii) To direct the respondents to grant the Grade Pay of Rs.2800/- w.e.f. 01.01.2006 on fixation of pay subsequent to 6th CPC and Grade Pay @ Rs.4200/- on 3rd Financial Upgradation under MACP on completion of 30 years service as per 6th CPC Report duly accepted by the Govt. of India.
- (iv) To direct the respondents to grant the applicants all consequential benefits like all the allowances applicable on refixation of their pay w.e.f. 01.1.2006 are thereafter till date.

- (v) To pass further order/directions as deemed fit and proper in the circumstances of the case to meet the ends of justice.”

5. The applicants earlier filed O.A. Nos. 3841/2014 and 3845/2014 seeking the following relief(s):

- “(i) To call for the records with relevant files pertaining to the grievance of the applicants and the action taken thereto.
- (ii) To direct the respondents to grant the Grade Pay of Rs.2000/- w.e.f. 01.01.2006 subsequent to 6th CPC and then grant them Grade Pay @ Rs.2800/- on 2nd ACP on completion of 24 years and @ Rs.4200/- on 3rd MACP on completion of 30 years service as per 6th CPC Report duly accepted by the Govt. of India.
- (iii) To direct the respondents to grant the applicants all consequential benefits on refixation of their pay w.e.f. 01.01.2006.
- (iv) To pass further order/directions as deemed fit and proper in the circumstances of the case to meet the ends of justice.”

6. The said O.A. Nos. 3841/2014 and 3845/2014 were disposed of by order dated 31.10.2014 as under:

“5. In the circumstances, the O.A. is disposed of at the admission stage, without going into the other merits of the case, by directing the respondents to consider the representations of the applicants (Annexure A-3 Colly.) and to pass appropriate speaking and reasoned orders thereon, in accordance with law, within 90 days from the date of receipt of a copy of this order. No order as to costs.”

7. A perusal of the reliefs claimed in the disposed of O.As. and the present O.As. indicate that the applicants originally sought for grant of Grade Pay of Rs.2,000/- w.e.f. 01.01.2006 and their representations to that effect were considered and rejected by the respondents vide the impugned Annexure A-1, dated 10.02.2015.

8. The applicants were granted Grade Pay of Rs.2,400/- w.e.f. 01.01.2006 as against their claim of Rs.2,000/- w.e.f. 01.01.2006, as reflected in the impugned order. However, the learned counsel for the applicants, now, submits that the claim made in O.A. Nos. 3841/2014 and 3845/2014 was due to mistake and, in fact, they are entitled for Grade Pay of Rs.2,800/- w.e.f. 01.01.2006 and, hence, they made the said fresh prayer in the present O.As.

9. The impugned orders dated 10.02.2015 were passed considering the claim of the applicants for granting the Grade Pay of Rs.2,000/- w.e.f. 01.01.2006. Now, the applicants are making a fresh claim of granting Grade Pay of Rs.2,800/- w.e.f. 01.01.2006, for which they did not make any representation till date.

10. In the circumstances, both the O.As. are disposed of by permitting the applicants to make fresh representations to the respondents ventilating their actual grievances within two weeks from the date of receipt of a copy of this order and on receipt of such representations, the respondents shall consider the same afresh and pass fresh speaking and reasoned orders thereon, in accordance with law, within 60 days therefrom. No order as to costs.

(NITA CHOWDHURY)
Member (A)

(V. AJAY KUMAR)
Member (J)

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