

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A.No.3732/2012

New Delhi, this the 10th Day of August, 2016

Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. Justice M. S. Sullar, Member (J)
Hon'ble Mr. P. K. Basu, Member (A)

1. Karamvir, S/o Shri Gaje Singh,
R/o 239/4, PO Ganaur,
Village Garhi Kesri,
Distt. Sonapat (Haryana).
2. Ashok Kumar, S/o Shri Om Prakash,
R/o R.Z. 128/6K, East Sagarpur, New Delhi-110046.
3. Jap Pal Singh, S/o Sh. Jage Ram,
R/o RZ-26P/202D, Indra Park,
Palam Colony, Gali No.1., New Delhi-110045.
4. Suresh Kumar, S/o Shri Tara Chand,
R/o H.No.6, Vill. Khaira, New Delhi-110043.
5. Vinod Kumar, S/o Shri O.P. Sharma,
R/o RZ-60A, Dabri Extn.,
Main Palam Road, New Delhi-110045.
6. Yashpal Singh, S/o Shri Ramshran,
R/o RZ-72A/284, Gali No.1,
Geetanjali Park, West Sagarpur.
7. Rakesh Kumar, S/o Shri Om Prakash,
R/o C.2/16, Vijay Enclave,
Palam, New Delhi.
8. Praveen Kumar, S/o Shri Daya Nand,
R/o H.No.7, V&PO Burari, Delhi-84.
9. Harish K. Jadeja, S/o Sh. K.D. Jadeja,
R/o G-29/229, Sec.3, Rohini, Delhi.
10. Parmanand, S/o Shri Ganesh Dass,
R/o H.No.224/4, Marla Modal Town, Gurgaon.
11. Raj Roop Bhardwaj, S/o Shri Pt. Ganga Ram,
R/o H.No.77, V&PO Rithala, Delhi-110085.
12. Rajiv Chhibber, S/o Shri L.S. Chhibber,
R/o 61/12, Ashok Nagar, New Delhi-110018.
13. Vijay Kumar, S/o Shri Amolak Ram,
R/o 1/3371, Ram Nagar Extn.,

Shahdara, Delhi-110032.

14. Tilak Raj, S/o Shri Brij Lal Girdhar,
R/o C-325, Gali No.1, Majlis Park, Delhi-110033.
15. Suresh Kumar, S/o Shri Gianender Parkash,
R/o A-36, Adrash Gali, Johripur, Delhi-110094.
16. Babu Ram, S/o Shri Gordhan Dass,
R/o H.No.100, Gali No.2,
G-Block, Prem Nagar, Najafgarh,
New Delhi-110043.
17. Vinod Kumar, S/o Shri Late Shri Krishan Pal,
R/o C-6A, Amar Colony, Nangloi, Delhi-110041.
18. B.P. Kashyap, S/o Shri Mahender Singh,
R/o Q-89/1, Prem Nagar-II,
Kirari Suleman Nagar, New Delhi-110086.
19. Jagbir Singh, S/o Shri Chander Singh,
R/o Vill. & PO Bhadani, Distt. Jhajjar (Haryana).
20. Ajit Singh, S/o Shri Har Chand Singh,
R/o Vill & PO Pandwala Kalan, New Delhi-110047.
21. Ashok Kumar, S/o Shri Mai Chand,
R/o H.No.419, V.P.O. Bijwasan, New Delhi-110061.
22. Satish Kumar, S/o Shri Ravi Dutt,
R/o V.P.O. Rangpuri, Delhi-110037.
23. Parvinder Singh, S/o Shri Sahab Singh,
R/o RZ-D3/150, Gali No.7,
Mahavir Enclave, Palam, New Delhi-110045.
24. Pardeep Airi, S/o Late Shri F.C. Airi,
R/o 144J, Laxmi Society Palkar Ganj,
New Delhi-110092.
25. Om Prakash, S/o Late Shri Bhim Sen,
R/o A-35, D.T.C. Colony,
Hari Nagar Depot, New Delhi-110064.
26. Chiman Lal, S/o Shri Lal Chand,
R/o Vill. Nayagaon, P.O. Bikanear,
Teh. & Distt. Rewari (Haryana).
27. Krishan, S/o Shri R.D.,
R/o WZ-618, Rishi Nagar,
New Delhi-110034.
28. Ved Pal Singh Dalal, S/o Ch. Daya Ram,
R/o RZ-16, Sai Baba Enclave,
Najafgarh, New Delhi-110043.

29. Ravinder Singh, S/o Shri Narender Singh,
R/o LIG Flat, 412, Hastal, Vikaspuri, New Delhi.
30. Dharamvir, S/o Shri Chuni Lal,
R/o V.P.O. Bhojawas,
Distt. Mohinder Garh,
(Haryana-123034).

.. Applicants

(By Advocate : Shri Yogesh Sharma)

Versus

1. Union of India through the Secretary,
Ministry of Defence, South Block,
New Delhi.
2. The Engineer-in-Chief,
Army Headquarter, New Delhi.
3. The Commandant,
505, Army Base Workshop,
Delhi Cantt.
4. The Secretary,
Department of Personnel & Training,
Ministry of Personnel,
North Block, New Delhi.
5. The Secretary,
Department of Expenditure,
Ministry of Finance,
North Block, New Delhi.

.. Respondents

(By Advocate : Shri R.N. Singh)

O R D E R (O R A L)

Justice Permod Kohli, Chairman :

M.A 3185/2012 :

In view of the averments made in the M.A, applicants are permitted to file joint O.A. Disposed of accordingly.

O.A 3732/2012 :

This matter has been placed before the Full Bench pursuant to reference order dated 04.07.2014.

2. The applicants in the present O.A belong to various categories of skilled workers and they are employees of Army Base Workshop, Delhi Cantonment, under the control of Ministry of Defence. The dispute relates to grant of ACP/MACP. The claim of the applicants has been denied by the respondents primarily on the ground that on restructuring the highly skilled workers were placed in the Grade Pay of Rs.2800/- with effect from 01.01.2006 whereas, their earlier Grade Pay was Rs.2400/-, and in this manner, they had got two promotions before completion of 20 years service, and as such are not eligible for grant of second MACP.

3. Mr. Yogesh Sharma, learned counsel appearing for the applicants submitted that the respondents are treating fitment on re-structuring as promotion to deny the benefit of ACP/MACP whereas, the applicants' claim is that fitment does not amount to promotion and thus, denial of ACP/MACP is unwarranted and impermissible in law.

4. A reference was necessitated on account of conflicting judgments on the same issue of two Benches of the Central Administrative Tribunal (i) OA No. 385/2012 R. Shankerlingam Vs. The Commandant & Managing Director & Ors. decided by the Bangalore Bench vide judgment dated 19.06.2013 and (ii) O.A 4101/2012 in the case of Satyavir Singh decided on 13.11.2013 by the Principal Bench. Admittedly, the judgments passed by the Bangalore Bench and Principal Bench of this Tribunal are subject matters of Writ Petitions. The judgment dated 19.06.2013 passed in O.A No. 385/2012 by the Bangalore Bench has been assailed in W.P. (C) No. 52576-52592/2014, before the Hon'ble Karnataka High Court, whereas the Judgment dated 13.11.2013 passed in O.A No. 4101/2012 by the Principal Bench, is the subject matter of challenge in W.P. (C) No. 2623/2014 before the Hon'ble Delhi High Court.

5. The parties are *ad idem* that the controversy in the present O.A was also the controversy in the O.As decided by the Bangalore Bench and the Principal Bench of the C.A.T referred to herein above and the Writ Petitions mentioned above arise out of the same controversy. Not only the issues involved are similar, even the status of the employees in the earlier decided O.As, mentioned hereinabove and the present O.A is also common.

6. We are also informed that both the Writ Petitions are likely to be finally heard. The controversy in the present Application and the aforesaid Writ Petitions, being common, ultimately the decision to be taken by the Hon'ble High Court, being a higher forum, would govern the issue. This O.A is, therefore, disposed of with the direction that the rights and claims of the parties in the present O.A. will be governed by the final judgment of the Hon'ble High Courts, or in the event of any conflict, by the ultimate Court.

(P.K. Basu)
Member (A)

(Justice M. S. Sullar)
Member (J)

(Justice Permod Kohli)
Chairman

/Mbt/