

**Central Administrative Tribunal
Ernakulam Bench**

OA/180/00863/2018

Thursday, this the 25th day of October, 2018

C O R A M

**Hon'ble Mrs.P.Gopinath, Administrative Member
Hon'ble Mr.Ashish Kalia, Judicial Member**

A.S.Balakrishnan, aged 62 years
S/o Late A.S.Sankar
Senior Auditor (Retd)
Office of the Controller of Defence Accounts (CSD)
Achangarden House, Kunanthera Desom
Kodakara P.O., Thrissur Dist.-680 684. Applicant

[Advocate: Mr. C.S.G.Nair]

versus

1. Controller of Defence Accounts (Canteen Stores Department)
'Adelphin', 119, M.K.Road, Mumbai-400 020.
2. Controller General of Defence Accounts
Ulan Batar Road, Palam
Delhi Cantt., New Delhi-110 010.
3. Union of India represented by its Secretary
Ministry of Finance, North Block,
New Delhi-110 001.
4. Principal Controller of Defence Accounts (Pension)
Draupati Ghat, Allahabad-211 014. Respondents

[Advocate: Mr. Rathish H.]

This OA having been heard on 25th October, 2018, the Tribunal on the same day delivered the following order:

O R D E R (oral)

By Mrs.P.Gopinath, Administrative Member

The applicant joined service as a directly recruited LDC. He was promoted as Auditor and again as Senior Auditor. He has qualifying service of 40 years. The applicant's contention is that he has been given only two promotions and is,

therefore, entitled to the 3rd financial upgradation under MACP Scheme, as per the Apex Court's order in *Union of India & others vs. Balbir Singh Jurn and Others* (Civil Appeal Diary No.3744/2016). The applicant also contends that one Sri V.S.Manu, Senior Auditor who was also recruited as LDC along with him has been granted the 3rd MACP Grade Pay of Rs.4600/-.

2. We direct the respondents to consider the case of the applicant in the light of the Apex Court judgment in *Union of India & others vs. Balbir Singh Jurn and Others*. For this purpose, the applicant is to submit a detailed representation within 2 weeks from today. If such a representation is received, the respondents shall consider the same in the light of the aforesaid judgment of the Apex Court, within 6 weeks from the date of receipt of the representation. OA is disposed of with the above directions.

(Ashish Kalia)
Judicial Member

(P.Gopinath)
Administrative Member

aa.

Annexures produced on behalf of the applicant:

Annexure A1: Copy of the PPO No.C/DAD/10489/2016 issued on 5.8.2016.

Annexure A2: Copy of the OM No.35034/3/2008 Estt (D) dated 19.5.2009 issued by the 1st respondent.

Annexure A3: Copy of the judgment of the Hon'ble Supreme Court in CA Diary No.3744/16.

Annexure A4: Copy of the representation dated 28.9.2016.

Annexure A5: Copy of the covering letter dated 28.9.2016 issued by the 1st respondent on 28.9.2016.

Annexure A6: Copy of the letter to the 1st respondent on 22.3.2017.

Annexure A7: Copy of the letter No.AN/4/DPC/ACP/MACP/Vol.II dated 21.4.2017.

Annexure A8: Copy of the letter dated 5.9.2017.

Annexure A9: Copy of the letter dated 30.11.2017.