

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION No. 170/00072 TO 00074/2015

DATED THIS THE 22ND DAY OF FEBRUARY, 2016

HON'BLE SHRI DR. K.B. SURESH, MEMBER (J)

HON'BLE SHRI P. K. PRADHAN, MEMBER (A)

1. Shri Sripathi Radhakrishna
S/o S. Raghunathachalyulu
Aged about 49 years,
Working as Master Gazetted (Economics)
Rashtriya Military School (RMS), Camp,
Belgaum – 590 009.

Residing at : No. Q No. 3/2, ABOS,
Rashtriya Military School (RMS),
Camp, Belgaum – 590 009.

2. Shri Arun Kumar Dharwal
S/o. Shri Ratan Chand,
Aged about 46 years,
Working as Master Gazetted (Geography)
Rashtriya Military School (RMS), Camp,
Belgaum – 590 009.

Residing at : No. Q No. 23/4, ABOS,
Rashtriya Military School (RMS),
Camp, Belgaum – 590 009.

3. Shri Raman Bellan,
S/o Shri G.K. Bellan,
Aged about 50 years,
Working as Master Gazetted (Commerce)
Rashtriya Military School (RMS), Camp,
Belgaum – 590 009.

Residing at : No. Q No. 11/4, ABOS,
Rashtriya Military School (RMS),
Camp, Belgaum – 590 009.

.....Applicants

(By Advocate Shri K. Hanifa)

Vs.

1. Union of India
Represented by its Secretary,
Room No. 101,
South Block,
Ministry of Defence, (Govt. of India)
New Delhi – 110 011.

2. Joint Secretary (Trg & CAO),
E-Block, Dalhousie Road,
Ministry of Defence (Govt. of India),
New Delhi – 110 011.

3. Under Secretary,
Room No. 101,
DI Wing, Sena Bhavan,
Ministry of Defence (Govt. of India),
New Delhi – 110 011.

4. Deputy Chief of Army Staff (T & C)
Dte. Gen. of Mil. Trg,
General Staff Branch,
Integrated Head Quarters (Army),
DHQPO,
New Delhi – 110 011.

5. The Director, (MT – 15)
Dte. Gen. of Mil. Trg,
General Staff Branch,
Integrated Head Quarters (Army),
DHQPO,
New Delhi – 110 011.

6. The Principal,
Rashtriya Military School (RMS)
Camp, Belgaum – 590 009.

.....Respondents

(By Shri S. Prakash Shetty, Senior Panel Counsel)

ORDER (ORAL)

DR. K.B. SURESH, MEMBER (J):

Heard. The question would be which came first, the chicken or the egg.

Without any doubt in this matter the Chattopadhyaya Commission report, even

though applicable to the applicants with respect to their promotion, cannot override the Hon'ble Apex Court judgment and the decision of the government, following this they have upheld to grant financial upgradation to prevent stagnation. That being the legal position, it will be covered by our order in OA No. 3556/2012 dated 22.07.2013.

2. The crystal clear indications of the scheme propounded by government following Hon'ble Apex Court judgment is that either ACP or MACP will be held as applicable to the concerned person with regard being held applicable to the promotions for which apparently Chattopadhyaya Commission had satisfied that 20% of the people will be granted in situ promotion but after 24 years whether or not such promotion will be granted will not defeat the rights of the applicant to claim the financial upgradation, but then it is also to be noted in this connection that the promotion if at all is given will diminish as reduced further financial upgradation as the case may be. Therefore, with this declaration, we will remit the matter back to the respondents to finalize the issue of MACP to the applicants with regard to the date of appointment on completion of 10/20/30 years respectively with regard being held to the promotion, if any, or based on Chattopadhyaya Commission. This shall be done within 3 months next. OA is allowed to this extent. No order as to costs.

(P. K. PRADHAN)
MEMBER (A)

/ksk/

(DR. K.B. SURESH)
MEMBER (J)