

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00753/2016

DATED THIS THE 19th DAY OF SEPTEMBER, 2018

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

HON'BLE SHRI DINESH SHARMA, MEMBER (A)

K. Kamala,
W/o Shri. U. Kumar,
Aged about 50 years,
Working as Upper Division Clerk,
O/o. The Commandant & Managing Director,
515 Army Base Work Shop, Ulsoor,
Bangalore 560 008.
Resident of No. 15, 4th Main, 2nd Cross,
Oblappa Layout, Ramamurthy Nagar,
Bangalore 560 060

..... Applicant

(By Shri B. Veerabhadra, Advocate)

Vs.

1. The Commandant & Managing Director,
515 Army Base Workshop, Ulsoor,
Bangalore # 560 008.

2. The Officer in Charge Records,
EME Records,
Secunderabad-500 021.

3. The Director General of EME (EME Civ),
Master General of the Ordnance Branch,
Integrated Headquarters of MOD (Army),
DHQ PO,
New Delhi-110 001.

4. The Principal Controller of Defence Accounts,
Agram PO,
Bangalore # 560 007.

5. The Union of India,
Rep, by its Secretary,
Ministry of Defence, South Block,
New Delhi -110 001. Respondents

(By Shri Vishnu Bhat, Sr. Panel Counsel)

O R D E R (ORAL)

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

1. The matter in issue is very small. An ACP benefit had been granted, but after wards when the MACP was introduced ACP benefit was withdrawn and MACP was given. We had held in a similar mater in OA.No.2/2017 dated 1.8.2017 that it cannot be done as the benefit once conferred cannot be taken back as it was done without rational or logical reasons. The impugned orders are hereby quashed. Same benefits to be extended to the applicant also.
2. OA is, disposed off. No order as to costs.

(DINESH SHARMA)
MEMBER(A)

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

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Annexures referred to by the applicant in OA.No.753/2016

Annexure A-1: Copy of extract of letter dated 6.3.2009.

Annexure A-2: Copy of OM dated 9.8.99.

Annexure A-3: Copy of OM dated 19.5.2009.

Annexure A-4: Copy of pay slip November 2012

Annexure A-5: Copy of Part II order dated 15.11.2010.

Annexure A-6: Copy of pay slip December 2012

Annexure A-7: Copy of pay slip January 2013.

Annexure A-8: Copy of the order dated 15.4.2015 in OA.170/13

Annexure A-9: Copy of the order dated 9.9.2015 in MA 393/15.

Annexure A-10: Copy of order dated 2.3.2016 in WP 9251/15 (S-CAT).

Annexure A-11: Copy of show cause notice

Annexure A-12: Copy of the representation

Annexure A-13: Copy of reply dated 10.5.2016.

Annexure A-14: Copy of impugned order dated 30.5.16

Annexures referred to by the respondents in the Reply Statement

Annexure R1: Copy of clarification dt.16/17.1.2012

Annexure R2: Copy of letter dated 9.8.2012.

Annexure R3: Copy of DOPT OM dated 9.9.2010.

Annexure R4: Copy of letter dated 13.4.2016.

Annexure R5: Copy of show cause notice dated 10.5.2016.

Annexure R6: Copy of letter dated 30.5.2016.

Annexure R7: Copy of order dated 2.3.2016 in WP 9251/16 (S-CAT).

Annexure R8: Copy of OM dated 19.5.2009.

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