

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

Pronounced on : 14.09.2018

Reserved on : 05.09.2018

**CORAM: HON'BLE MR.SANJEEV KAUSHIK, MEMBER(J)
HON'BLE MRS. P. GOPINATH, MEMBER(A)**

OA No. 060/01065/2017

MES-365288 Sh. Jagpal Singh (Retd.) aged 64 years Refg/Mech(SK)
s/o Late Sub Lal Singh, VPO Gill near Patwar Khana, Distt. Ludhiana
– 141 002.

...Applicant

BY ADVOCATE: **Sh. Arun Sharma**

Versus

1. Union of India through Engineer-in-Chief, Ministry of Defence, Army HQ, New Delhi.
2. Chief Engineer, Western Command, Chandimandir, Distt. Panchkula.
3. Chief Engineer, MES, Jalandhar Zone, Jalandhar.
4. Commander Works Engineer, MES, Ferozepur Cantt.
5. Garrison Engineer, Ludhiana.

...Respondents

BY ADVOCATE: **Sh. Sanjay Goyal**

ORDER

BY MRS. P. GOPINATH, MEMBER(A):-

This OA has been filed by the applicant seeking a direction from the Bench to direct the respondents for grant of enhanced benefits based on the order dated 19.12.2013 in OA No. 988/PB/2011 titled Jaspal Singh Vs. UOI . Para 7 of the above OA is reproduced as below:-

“7. We have considered the pleadings of the parties and arguments advanced by learned counsel carefully

and are of the view that the claim of the applicant is squarely covered by the illustration in para-5 of the MACPS circulated by the DOPT, Government of India, on 19.05.2009, and therefore hold that the applicant is entitled to Grade Pay of Rs. 4800/- as claimed by him.”

As per order in above OA, applicant has been given one MACP in Grade Pay Rs. 4800.

2. The applicant in the grounds submits that he was entitled to one increment as per letter dated 10.03.2012. The letter of 10.03.2012 has not been produced by the applicant. The applicant's argument is that having served the department for 30 years, he was entitled to be promoted to the next higher grade in the year 2006 and was also entitled to one additional increment on 10.03.2012. He argues that neither department had given him increment as per letter dated 10.03.2012 nor promoted him w.e.f. 2006. Not having produced letter of 10.03.2012, it is difficult for the Bench to adjudicate on the reasonableness of this prayer.

3. The answering respondent submits that pursuant to the Tribunal's order in OA No. 988 of 2011, a revised PPO was issued by PCDA Pension, Allahabad on 24.11.2015. The arrears of leave encashment has also been paid to the applicant. The details of the pensionary benefits given to the applicant are as follows:-

Sr. No.	Description	Previous (In Rs.)	Revised (In Rs.)	Difference (In Rs.)
1.	Pay Band	13430	13440	10
2.	Grade Pay	4600	4800	200
3.	Basic Pension	9015	9120	105

4.	Commuted Pension	3606	3648	42
5.	Residual Pension	5409	5472	63
6.	Gratuity	401627	406296	4669
7.	Capitalized value of commuted pension	354571	358701	4130
8.	Enhanced Family Pension	9015	9120	105
9.	Normal Family Pension	5409	5472	63

The respondents, therefore, argue that the MACP in Grade Pay Rs. 4800 was granted to the applicant as per column 3 row 2 above and his pension was also revised accordingly from Rs. 9015 to Rs. 9120 giving applicant the benefit of Rs. 105 being 50% of the enhanced Grade Pay of Rs. 200.

4. The applicant has joined as a Refrigeration Mechanic on 04.05.1974. On introduction of ACP Scheme, he was given first ACP in scale of pay of Rs. 4000-6000 on 09.08.1999. Applicant was given second ACP in scale of pay of Rs. 5000-8000 on 24.09.1999 as he was due for first and second ACP on introduction of ACP Scheme as he had completed 24 years of service. The pay of the applicant was upgraded to Rs. 9000-300-34800 on the recommendations of the Sixth CPC on 01.01.2006 with Grade Pay of Rs. 4200. Grade Pay of Rs. 4600 was given on 01.09.2008 on introduction of the MACP Scheme. The applicant has been given another third MACP on 01.09.2008 in Grade Pay of Rs. 4800 as per directions in OA No. 988 of 2011.

5. We note that the Grade Pay of Rs. 4800 has been reflected in the Pension Payment Order (Annexure R-1) which is a corrigendum issued to the applicant while fixing him in Pay Band Rs. 9300-34800 and Grade Pay of Rs. 4800. The applicant has already received this corrigendum PPO which is produced by respondents as Annexure R-1 in the reply filed.

6. The applicant has therefore got two ACP benefits and two MACP benefits and no other benefit is due to the applicant. The revised pensionary benefits and the balance arrears of leave encashment has been paid to the applicant vide office letter dated 04.12.2015.

7. The applicant in the replication, submits that the revised MACP has not been granted to him and the benefit so granted has been misappropriated by the respondents which is under challenge in another OA filed by the applicant. Since the challenge of misappropriation is dealt with in another OA, as contended by the applicant, the same is not being adjudicated in this OA.

8. The applicant has also been given the benefit of restructuring of the cadre of Artisan staff in Defence establishment. The DPC for this was conducted in 2013 and the benefit of retrospective implementation of the cadre restructuring policy was also given to the applicant despite the fact that he already stood retired on the date of cadre restructuring DPC. The applicant has been given the benefit of promotion of 2013 as also the MACP as ordered in OA No. 988/2011 by this Tribunal. The difference of the

previous and revised pension, commuted value of pension, gratuity etc. is shown in table indicated in para 3 supra. However, it is necessary that the respondents should give a detailed letter to the applicant showing the date of release and mode of release of amount, and the total of arrears paid to the applicant's bank account or by a bill which has the acknowledgement of applicant as token of receipt of payment of MACP as ordered by the Tribunal. This will make the applicant aware that he has been given the benefit of payment as ordered by the Tribunal and also take up the matter with the bank to trace the deposit of the amount. Applicant be also issued a second document indicating the date of promotion given to him as a consequence of restructuring the cadre of Artisan staff in Defence establishment indicating the date, the scale of pay, the Grade Pay granted as a result of the cadre restructuring promotion and the arrears due to him, if any, as a result of retrospective implementation of the cadre restructuring policy if any, or if the cadre restructuring pay will count towards fixing of pension only. Applicant be also informed in the above letter about the mode of payment whether it was by way of physical cheque with cheque number, date and amount or by a transfer to his bank account and if so, the date of transfer and the amount transferred. This is being ordered in view of the fact that the respondents have produced the details of the MACP upgradation made, but have not produced any document in support of the statement in the affidavit that the applicant has been paid the monetary benefits on the

implementation of the Grade Pay Rs. 4800 and the Artisan Cadre restructuring.

9. With the above directions, to be complied with within four weeks, this OA stands disposed of. No order as to costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated:
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