

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

**O. A. No.60/1217/2017
M.A. No.60/678/2018**

Date of decision: 16.08.2018

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

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1. Jit Singh age 70 years, S/o Sh. Banta Singh, resident of B-489, Ranjit Avenue, Amritsar.
2. Kulwant Singh age 70 years, son of S. Buta Singh, resident of Kulwant Singh, Chawinda Devi, Amritsar.
3. Pritam Singh age 71 years, son of Sh. Suja Ram, resident of C/o Pawan Kumar, N.P. No.3/2, POC Area, Near Thimaya Power House, Amritsar Cantt.
4. Balbir Singh age 69 years, son of S. Joginder Singh, resident of House No.30, Sewanagar West, Putlighar, Amritsar, District Amritsar.
5. Om Parkash age 69 years, son of Sh. Duni Chand, resident of MES Staff Quarter No.16, Near Furniture Yard, Behind I.B. Amritsar Cantt.
6. Mohinder Singh age 70 years, son of S. Mangal Singh, resident of House No.1739, Street No.3, Ishwar Nagar, Taran Tarn Road, Amritsar, District Amritsar.

(All applicants Group-C).

**... APPLICANTS
VERSUS**

1. Union of India through Secretary to the Government of India, Ministry of Defence, Central Civil Secretariat, New Delhi.
2. Head Quarter, Commander Works Engineer, Amritsar Cantt.
3. Garrison Engineer, Amritsar Cantt.

... RESPONDENTS

PRESENT: Sh. Sarjit Singh, Sr. Advocate, along with Sh. A.S. Pannu, Adv., counsel for the applicants.
Sh. Ram Lal Gupta, counsel for the respondents.

ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. Present O.A. has been filed by the applicants seeking the following relief (s):-

"8(i). That the Annexure A-1 passed by the respondent no.3 may be quashed.

(ii). That the respondents may be directed to refix the pay of the applicants with effect from the date when they became entitled to higher pay and grant all increments.

(iii) That the respondents may be directed to refix the pension of the applicants on the basis of grade pay of Rs.4600/- with effect from the date when they became entitled to it."
2. After exchange of pleadings, matter came up for hearing today.
3. Learned counsel for the applicants vehemently argued that view taken by the respondents in para 4 of the impugned order dated 17.08.2017 wherein they have denied grade pay of Rs.4600/- to applicants on the plea that MACP Scheme was introduced only on 1.9.2008 and prior to that, applicants had retired, therefore, the same cannot be granted to them. He submitted that pending O.A. in terms of judgment in the case of **Union of India and Ors. vs. Balbir Singh Turn & Anr.** (Civil Appeal Diary No.3744 of 2016) decided on 08.12.2017, respondent Govt. of India has issued a clarification dated 25.07.2018 where they have clarified that MACP Scheme will be applicable w.e.f. 1.1.2006 instead of 1.9.2008. Therefore, he submitted that in terms of their clarification, respondents may be directed to re-consider the claim of the applicants.
4. Sh. Ram Lal Gupta, vehemently resisted the claim of the applicants as they have impugned a reply to legal notice. With regard to latest

clarification dated 25.07.2018, which the senior counsel has relied upon in the case of Balbir Singh Turn (supra), he submitted that the respondents may be granted time to relook into grievance of the applicants and decide the same in terms of same.

5. Accordingly, we dispose of this O.A. with a direction to the respondents to reconsider the claim of the applicants in terms of clarification dated 25.07.2018 by passing a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order. No costs.
6. M.A. also stands disposed of.

**(AJANTA DAYALAN)
MEMBER (A)**

**(SANJEEV KAUSHIK)
MEMBER (J)**

Date: 16.08.2018.
Place: Chandigarh.

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