

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

O. A. No.60/27/2018

M.A. No.60/35/2018

Date of decision: 11.01.2018

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

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1. MES No. 369902, Sh. Gurtej Singh S/o Sh. Kartar Singh aged 58 Years, Carpenter SK O/o GE (S) Bathinda R/o Tungwali, Tehsil Nathana, Distt Bathinda, (Pb.) **Group 'C'**.
2. MES No. 369609, Sh. Darshan Singh S/o Sh. Major Singh aged 58 Years, Mason SK O/o GE (S) Bathinda R/o Joganand, P.O. Bibi Wala, Tehsil Nathana, Distt Bathinda, (Pb.)
3. MES No. 370329, Sh. Leela Singh S/o Sh. Hazura Singh aged 57 Years, P/FTR SK O/o GE (S) Bathinda R/o Tungwali, Tehsil Nathana, Distt Bathinda, (Pb.)
4. MES No. 370849, Sh. Kulwant Singh S/o Sh. Bholu Singh aged 57 Years, Mate Mason O/o GE (S) Bathinda R/o VPO - Bhucho Khurd , Tehsil Nathana, Distt Bathinda, (Pb.)
5. MES No. 370850, Sh. Gora Singh S/o Sh. Bachan Singh aged 55 Years, P/FTR SK O/o GE (S) Bathinda R/o Village Kot Fatta, Distt Bathinda, (Pb.)
6. MES No. 368893, Sh. Hira Lal S/o Sh. Ram Parshad aged 55 Years B/Smith O/o GE (S) Bathinda R/o H. No. 30746 St, No. 2, Arjun Nagar, Bathinda, Punjab.
7. MES No. 370853, Sh. Butta Singh S/o Sh. Babbu Singh aged 54 Years, Mate H/Man, O/o GE (S) Bathinda R/o Village Bhucho Kalan, P.O. Bhucho kalan Tehsil Nathana, Distt Bathinda, Punjab.
8. MES No. 371765, Sh. Bachittar Singh S/o Sh. Mukhttair Singh aged 56 Years, Mate Mason, O/o GE (S) Bathinda R/o VPO Bibi Wala, Tehsil Nathana, Distt Bathinda, Punjab.
9. MES No. 371755, Sh. Mehr Singh S/o Sh. Ram Partap Singh aged 53Years, P/FTR, O/o GE (S) Bathinda R/o VPO Bibi Wala, Tehsil Nathana, Distt Bathinda, Punjab.
10. MES No. 363559, Sh. Gurmeet Singh S/o Sh. Lal Singh aged 52Years, Mate Carp, O/o GE (S) Bathinda R/o H. No. 23968 St, No. 16/2, Dhobiana Road, Bathinda, Punjab.
11. MES No. 363562, Sh. Chandar Bali S/o Sh. Ganga Jal aged 53Years, Mate Painter, O/o GE (S) Bathinda R/o St. No. 3, Dhobiana Basti, Bathinda, Punjab.
12. MES No. 371958, Sh. Gurdeep Singh S/o Sh. Kartar Singh aged 53Years, Mate Mason, O/o GE (S) Bathinda R/o VPO Mehma Balhad, Distt Bathinda, Punjab.

13. MES No. 37297, Sh. Balwinder Singh S/o Sh. Sukhdev Singh aged 54 Years, Mate Mason, O/o GE (S) Bathinda R/o VPO Bibi Wala, Tehsil Nathana, Distt Bathinda, Punjab.
14. MES No. 373558, Sh. Darsjan Singh S/o Sh. Darbara Singh aged 54 Years, Mate Carpenter, O/o GE (S) Bathinda R/o VPO Nathpura, Distt Bathinda, Punjab.
15. MES No. 369951, Rtd. Sh. Mukand Singh S/o Sh. Bachan Singh aged 60 Years, H/Man, O/o GE (S) Bathinda R/o VPO Bibi Wala, Tehsil Nathana, Distt Bathinda, Punjab.
16. MES No. 369228, Sh. Babu Singh S/o Sh. Mukhtiar Singh aged 61 Years, Carpenter SK O/o GE (S) Bathinda R/o VPO Kot Fatta, Distt Bathinda Punjab.
17. MES No. 368680, Rtd. Sh. Mitha Singh S/o Sh. Lal Singh aged 60 Years, Mate B/Smith, O/o GE (S) Bathinda R/o VPO Bhai Rupa (Ambedkar Nagar), Distt Bathinda Punjab.
18. MES No. 364604, Rtd. Sh. Teja Singh S/o Sh. Pritam Singh aged 61 Years, Painter (SK), O/o GE (S) Bathinda R/o VPO Balo, Distt Bathinda Punjab.
19. MES No. 369163, Rtd. Sh. Veeru Singh S/o Sh. Munshi Singh aged 60 Years, P/FTR HS-II, O/o GE (S) Bathinda R/o VPO Lehra Mohabbat, Tehsil Nathana, Distt Bathinda, Punjab.
20. MES No. 369612, Rtd. Sh. Lachman Singh S/o Sh. Kapur Singh aged 60 Years, Mason SK, O/o GE (S) Bathinda R/o Village Mari, P.O. Bhaini Distt Bathinda, Punjab.
21. MES No. 370848, Rtd. Sh. Sardool Singh S/o Sh. Gurdev Singh aged 63 Years, P/FTR SK, O/o GE (S) Bathinda R/o Village Bhucho Khurd, Distt Bathinda, Punjab.
22. MES No. 369602, Rtd. Sh. Makhan Singh S/o Sh. Ram Singh aged 60 Years, Mason HS-II, O/o GE (S) Bathinda R/o Village Bir Talab Basti No. 4 P.O. Multania, Tehsil & Distt Bathinda, Punjab.
23. MES No. 369618, Sh. Kavi Ram S/o Sh. Pritam Singh aged 56 Years, Elect (SK), O/o GE (S) Bathinda R/o H. No. 27076 St, No. 5, Amarpura Basti, Bathinda, Punjab.
24. MES No. 371007, Sh. Ajit Singh S/o Sh. Kartar Singh aged 58 Years, Elect. (SK), O/o GE (S) Bathinda R/o VPO Bhucho Khurd, Tehsil Nathana, Distt Bathinda, Punjab.
25. MES No. 371758, Sh. Gullu Singh S/o Sh. Jangir Singh aged 53 Years, Elect. O/o GE (S) Bathinda R/o H. No. 26529 St, No. 3, Mehna Basti, Bathinda, Punjab.
26. MES No. 369610, Sh. Gurmail Singh S/o Sh. Ujagar Singh aged 57 Years, Elect. SK, O/o GE (S) Bathinda R/o Village Rampura, Tehsil Phul Distt Bathinda, Punjab.
27. MES No. 369915, Sh. Tej Singh S/o Sh. Jaggar Singh aged 58 Years, Elect HS-II, O/o GE (S) Bathinda R/o Village Nasebpura, Tehsil Talwandi Sabo Distt Bathinda, Punjab.

28. MES No. 370208, Sh. Major Singh S/o Sh. Mehar Singh aged 58 Years, Elect. SK, O/o GE (S) Bathinda R/o Village Gurusar, P.O. Dhurkot, Distt Bathinda. Punjab.
29. MES No. 370205, Sh. Charinji Lal Singh S/o Sh. Parkash Singh aged 54 Years, Elect. HS-II, O/o GE (S) Bathinda R/o Mes Colony, Qtr. No. 10713 Near Bibli Wala Chowk, Distt Bathinda. Punjab.
30. MES No. 370707, Sh. Balbir Singh S/o Sh. Karam Singh aged 59 Years, Elect. HS-II, O/o GE (S) Bathinda R/o Gobind Nagar, St. No. 10/5, Distt Bathinda. Punjab.
31. MES No. 369624, Sh. Ram Kumar S/o Sh. Sandu Ram aged 55 Years, Elect. HS-II, O/o GE (S) Bathinda R/o Mes Colony, Qtr. No. 252/4 Bathinda Cantt. Punjab.
32. MES No. 369601, Sh. Mangat Singh S/o Sh. Gulzar Singh aged 57 Years, Elect. HS-II, O/o GE (S) Bathinda R/o Village Bir Talab basti No. 3, P.O. Multania Distt Bathinda. Punjab.
33. MES No. 370332, Sh. Bishan Ram S/o Sh. Najar Ram aged 55 Years, P/FTR SK, O/o GE (S) Bathinda R/o Village Lal Singh Nagar, St. No. 15, Near Gurdwara Sahib Distt Bathinda. Punjab.
34. MES No. 371313, Sh. Nachhattar Singh S/o Sh. Teja Singh aged 59 Years, Elect. SK R/o VPO Bhucho Khurd, Tehsil Nathana Distt Bathinda, Punjab.
35. MES No. 368683, Rtd. Sh. Balwinder Singh S/o Sh. Gura Singh aged 60 Years, Elect. SK, O/o GE (S) Bathinda R/o Village Sivian, Tehsil and Distt Bathinda, Punjab.
36. MES No. 369641, Rtd. Sh. Nachhattar Singh S/o Sh. Bahchan Singh aged 60 Years, Elect. SK, O/o GE (S) Bathinda R/o Village Kutewala, Tehsil Maur Mandi, Distt Bathinda, Punjab.
37. MES No. 369617, Rtd. Sh. Bhola Singh S/o Sh. Ajmer Singh aged 60 Years, Elect. SK, O/o GE (S) Bathinda R/o Village Mandi Kalan, Tehsil Maur Mandi, Distt Bathinda, Punjab.

... APPLICANTS

VERSUS

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi-110011.
2. Engineer-in-Chief, E-in-C's Branch, Army Headquarters, Integrated HQ of MOD (Army), DHQ PO, Kashmir House, New Delhi.
3. Commander Works Engineer, Headquarter, Bathinda, Bathinda Military Station, Bathinda (Punjab).

... RESPONDENTS

PRESENT: Mr. Jagdeep Jaswal, counsel for the applicants.

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J):-

1. M.A. No.60/35/2018 has been filed under Rule 4(5)(a) of the C.A.T. (Procedure), Rules, 1987, seeking permission to allow the applicants to file joint petition. For the reasons stated therein, the same is allowed.

2. Present O.A. has been filed wherein applicants seek following relief:

“8(i). That it be declared that the applicants are entitled for 2nd ACP in G.P. of Rs.2400/- and consequently 3rd MACP in the G.P. of Rs.2800/- on completion of 30 years or on 1.09.2008, whichever is later, with all consequential benefits.”

3. Heard Sh. Jagdeep Jaswal who submitted that claim of the applicants for grant of second ACP in grade pay of Rs.2400/- and 3rd financial upgradation under MACP in grade pay of Rs.2800/- on completion of 30 years on 1.09.2008 was accepted by the department as is seen from letter dated 12.09.2014 (Annexure A-1) where Director General Personnel/CSCC, Engineer-in Chief's Branch, New Delhi, issued communication to all the Headquarters making them aware of the decision that they are entitled to 3rd financial upgradation under MACP in the grade pay of Rs.2800/- w.e.f. 1.09.2008. Subsequently, another clarification dated 30.04.2015 was issued wherein same stand was reiterated. But the respondents have not allowed applicants 3rd financial upgradation despite there being various representations by them in this regard latest one in the year 2017, which was made pursuant to another letter dated 26.04.2017 reiterating the earlier two letters issued by the respondents. Therefore, learned counsel submitted that respondents may be directed to decide their claim in terms of these 3 letters.

4. Issue notice to the respondents.
5. Sh. Ram Lal Gupta, Sr. Standing Counsel for UOI accepts notice on behalf of the respondents and does not dispute to disposal of the O.A. in the above terms. However, he prayed that they be granted at least 3 months time to settle the issue.
6. Considering ad-idem between the parties, we dispose of this O.A. with a direction to the respondents to decide claim of the applicants for grant of 3rd financial upgradation in terms of above 3 letters, latest in the year 2017 for grant of 3rd financial upgradation by passing a reasoned and speaking order. If applicants are entitled, the same be disbursed to them otherwise a reasoned and speaking order be passed within a period of three months from the date of receipt of a certified copy of this order, which be also communicated to the applicants.
7. Disposal of the OA in the above terms shall not be construed as an opinion on the merit of this case.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 11.01.2018.
Place: Chandigarh.

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