

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/43/2017,
ORIGINAL APPLICATION NO. 291/44/2017,
ORIGINAL APPLICATION NO. 291/45/2017,
ORIGINAL APPLICATION NO. 291/49/2017,
ORIGINAL APPLICATION NO. 291/50/2017
&
ORIGINAL APPLICATION NO. 291/51/2017

DATE OF ORDER: 11.07.2018

CORAM

HON'BLE MR. SURESH KUMAR MONGA, JUDICIAL MEMBER
HON'BLE MR. A. MUKHOPADHAYA, ADMINISTRATIVE MEMBER

OA No. 291/43/2017

Suresh Chand Gupta S/o Shri Laddu Lal Gupta, age around 54 years, R/o House No. 189, Padmawati Colony, Kings Road, Nirman Nagar, Jaipur-302019 and working as Technical Officer, in the Office of Hq CE SWC, Jaipur Cannt. Jaipur, Gr. "C".

....Applicant
Mr. Mukesh Agarwal, counsel for applicant.

VERSUS

1. Union of India through the Secretary, Ministry of Defence, South Block, New Delhi.
2. Director General Personnel/EIB, Engineer-in-Chief's Branch, Integrated HQ of MOD (Army), Kashmir House, Rajaji Marg, New Delhi – 110011.
3. Chief Engineer (Hq), South West Command C/o 56 APO.
4. Chief Engineer, Head Quarters, Jaipur Zone, MES Power House Road, Bani Park, Jaipur-302006.

....Respondents
Mr. A.S. Shekhawat, counsel for respondents.

OA No. 291/44/2017

Ashok Kumar Sharma S/o Shri P.R. Sharma, age around 54 years, R/o 60-B, Ganesh Marg, Surya Nagar, Gopalpura By-pass, Jaipur and working as Technical Officer, in the office of Garrison Engineer, MES, Khatipura Road, Jaipur.

....Applicant
Mr. Mukesh Agarwal, counsel for applicant.

VERSUS

1. Union of India through the Secretary, Ministry of Defence, South Block, New Delhi.
2. Director General Personnel/EIB, Engineer-in-Chief's Branch, Integrated HQ of MOD (Army), Kashmir House, Rajaji Marg, New Delhi – 110011.
3. Chief Engineer (Hq), South West Command C/o 56 APO.
4. Chief Engineer, Head Quarters, Jaipur Zone, MES, Power House Road, Bani Park, Jaipur-302006.
5. Garrison Engineer, MES, Khatipura Road, Jaipur-302012.

....Respondents

Mr. A.S. Shekhawat, counsel for respondents.

OA No. 291/45/2017

Govind Prasad Sharma S/o Shri D.N. Sharma, Age around 58 years, R/o House No. E-144, Ram Path, Shyam Nagar, Sodala, Jaipur-302019 and working as Technical Officer in the office of Hq CE SWC, Jaipur.

....Applicant

Mr. Mukesh Agarwal, counsel for applicant.

VERSUS

1. Union of India through the Secretary, Ministry of Defence, South Block, New Delhi.
2. Director General Personnel/EIB, Engineer-in-Chief's Branch, Integrated HQ of MOD (Army), Kashmir House, Rajaji Marg, New Delhi – 110011.
3. Chief Engineer (Hq), South West Command C/o 56 APO.
4. Chief Engineer, Head Quarters, Jaipur Zone, MES, Power House Road, Bani Park, Jaipur-302006.

....Respondents

Mr. A.S. Shekhawat, counsel for respondents.

OA No. 291/49/2017

Lalit Kumar Chittoria S/o Sh. Ganga Singh Chittoria, age around 57 years, R/o 53-B, Vishnu Garden, Tonk Road, Sanganer, Jaipur – 302029 and working as Technical Officer, in the office of Hq. CE SWC, Jaipur.

....Applicant

Mr. Mukesh Agarwal, counsel for applicant.

VERSUS

1. Union of India through the Secretary, Ministry of Defence, South Block, New Delhi.

2. Director General Personnel/EIB, Engineer-in-Chief's Branch, Integrated HQ of MOD (Army), Kashmir House, Rajaji Marg, New Delhi – 110011.
3. Chief Engineer (Hq), South West Command C/o 56 APO.

....Respondents

Mr. A.S. Shekhawat, counsel for respondents.

OA No. 291/50/2017

Ganpat Lal S/o Shri R.L. Khichi, Age around 54 years, R/o 641/2, Meer Shah Ali, Jaipur Road, Ajmer, Rajasthan, working as Technical Officer office Hq., CE, Jaipur Zone, Jaipur.

....Applicant

Mr. Mukesh Agarwal, counsel for applicant.

VERSUS

1. Union of India through the Secretary, Ministry of Defence, South Block, New Delhi.
2. Director General Personnel/EIB, Engineer-in-Chief's Branch, Integrated HQ of MOD (Army), Kashmir House, Rajaji Marg, New Delhi – 110011.
3. Chief Engineer (Hq), South West Command C/o 56 APO.
4. Chief Engineer (Hq), Military Engineer Services, Jaipur Zone, Power House Road, Bani Park, Jaipur (Raj.-06)

....Respondents

Mr. A.S. Shekhawat, counsel for respondents.

OA No. 291/51/2017

Arun Rajaram Mahajan S/o Sh. Rajaram Avchit Mahajan, Age around 56 years, R/o 45/1, A-30 Vidya Nagar, Road No. 2 Pimple Gurav, Navi Sangvi, Pune and working as Technical Officer, in the office of Hq CE, Jaipur Zone, Power House Road, Bani Park, Jaipur (Raj-06).

....Applicant

Mr. Mukesh Agarwal, counsel for applicant.

VERSUS

1. Union of India through the Secretary, Ministry of Defence, South Block, New Delhi.
2. Director General Personnel/EIB, Engineer-in-Chief's Branch, Integrated HQ of MOD (Army), Kashmir House, Rajaji Marg, New Delhi – 110011.

3. Chief Engineer (Hq), South West Command C/o 56 APO.
4. Chief Engineer, Head Quarters, Jaipur Zone, MES Power House Road, Bani Park, Jaipur-302006.

....Respondents
Mr. A.S. Shekhawat, counsel for respondents.

ORDER (oral)

Per: Suresh Kumar Monga, Judicial Member

With the consent of learned counsels for the parties, O.A. No. 291/43/2017, O.A. No. 291/44/2017, O.A. No. 291/45/2017, O.A. No. 291/49/2017, O.A. No. 291/50/2017 & O.A. No. 291/51/2017 are being disposed of together as a common question of law and facts is involved in all these cases.

2. In all these six cases, almost a similar prayer has been made. The applicants have prayed for issuance of a direction to the respondents to grant them the benefit of 1st ACP in PB-2 with Grade Pay of Rs. 4600 w.e.f. 01.01.2006 and 2nd ACP in PB-3 Rs. 15600-39100 with Grade Pay of Rs. 6600 w.e.f. 20.07.2007 and further 3rd MACP with Grade Pay of Rs. 7600 in the immediate next higher grade pay w.e.f. 20.07.2013.

3. During pendency of all these cases, the respondent no. 2. vide letter dated 21.04.2017 (Annexure A/13) decided that those Draughtsman / Technical Officers of Military Engineering Services, who have completed 24 years of regular service during intervening period of 01 January 2006 to 31 August 2008 shall be granted 2nd financial upgradation in the pre-revised scale of Rs. 10,000-325-15200 (Revised pay scale of PB-3 Rs. 15600-39100 with Grade Pay of Rs. 6600/-) and further 3rd MACP PB-3

with Grade Pay of Rs. 7600/- after completion of 30 years of regular service.

4. Pursuant to aforesaid letter, one more letter was issued by respondent no. 2 on 21.04.2017 (Annexure A/14) itself wherein all the concerned authorities were directed to forward ACP Proforma alongwith Integrity, Vigilance Clearance Certificate and ACRs for reckoning the period in respect of Draughtsman / Technical Officers, who have completed 24 years of regular service during intervening period between 01 January 2006 to 31 August 2008 for grant of 2nd financial upgradation under ACP Scheme. A copy of the said letter was also forwarded to Legal (O) for information with respect to the instant six cases pending before this Tribunal.

5. At the very outset, learned counsel for the applicants argued that while relying upon the letters dated 21.04.2017 (Annexures A/13 and A/14), the Ernakulam Bench of this Tribunal vide order dated 29th May, 2017 has already disposed of O.A. No. 180/00644/2014 (**Ushasree G. & Ors. vs. Union of India & Ors.**) with a direction to respondents to disburse the benefits arising out of the said letters dated 21.04.2017.

6. The above position has not been disputed by learned counsel for the respondents.

7. Accordingly, all these six Original Applications are allowed in the same terms of the order dated 29th May, 2017 passed by Ernakulam Bench of this Tribunal in O.A. No.

180/644/2014 - **Ushasree G. & Ors. vs. Union of India & Ors.** (supra). The respondents are directed to implement the directions contained in the letter dated 21.04.2017 (Annexure A/13) and disburse the benefits arising therefrom to the applicants, if they are otherwise found eligible as per the terms of ACP Scheme, within a period of three months from the date of receipt of a copy of this order.

8. Ordered accordingly. No order as to costs.

(A. MUKHOPADHAYA)
ADMINISTRATIVE MEMBER

(SURESH KUMAR MONGA)
JUDICIAL MEMBER

Kumawat