

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

O.A/350/694/2017

Date of Order: 26.03.2018

Coram : Hon'ble Mrs. Manjula Das, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Madhusudan Mandal, aged about 67 years, son of Late Yubraj Mandal, residing at 3/7, Golden Park, S.B.B Patel Road, Bidhan Nagar, Durgapur, District Burdwan, Pin 713206 who superannuated from service in the year 2010 from the Office of Military Engineering Service under Garrison Engineer (AF), Bagdogra, Post Office – Bagdogra Air Port, District – Darjeeling, Pin 734421.

---Applicant

Versus

1. Union of India, service through the Secretary, Ministry of Defence, Government of India, South Block, New Delhi - 110001.
2. The Garrison Engineer (AF), Bagdogra, Military Engineering Services, Post Office – Darjeeling, Pin 734421.

----Respondents

For the Applicant(s) : Mr. P.C Das , Counsel
Ms. T. Maity , Counsel

For the Respondent(s) : Ms. P. Goswami, Counsel

O R D E R(Oral)

Per Dr. Nandita Chatterjee, Member (A):

Heard ld. counsel for both sides in extenso.

2. The applicant has approached the Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

- (a) To quash and/or set aside the impugned speaking order being No. 1148/CC/SKB/45/EIC(2) dated 31.03.2017 issued by Garrison Engineer (AF) by which the claim of the applicant has been rejected on the ground which is not at all sustainable in the eyes of law by

depriving the applicant regarding grant of ACP and MACP benefit whereas the identical placed person whose claim has already been granted the same benefit since retired from service they are not getting such benefit and for that he is wholly deprived by the attitude of the respondent department.

- (b) To pass an appropriate order directing upon the respondent authority to give the benefit of 1st ACP in favour of the applicant by not taking into consideration the re-designation/merger of the post from MPA to FGM (SK) as promotion and to give the appropriate Grade Pay as Pay Band and Basic Pay by giving such benefit with effect from the date of eligibility of the applicant along with all consequential benefits;
- (c) To pass an appropriate order directing upon the respondent authority to give the appropriate benefit of MACP by giving the Grade Pay of Rs. 4,200/- in the Pay Band of Rs. 4300-34,800/- by not considering the re-designation/merger as promotion along with all consequential benefits;
- (d) To pass an appropriate order directing upon the respondent authority that since the applicant has already retired from service, therefore, by giving the appropriate benefit of ACP and MACP the Pension Payment Order has to be re-fixed and to give the enhanced pension by giving the benefit of ACP and MACP along with all consequential arrears within a specific period of time.
- (e) Costs;
- (f) Any other appropriate relief or reliefs as Your Lordship may deem fit and proper.

3. Although the respondents have submitted their reply on 23.02.2018 against the said application, it is seen that a representation dated 07.04.17 annexed at Annexure A-7 to the O.A, filed against the speaking order dated 31.3.2017 impugned in the present application, is apparently pending for consideration of the respondent authorities as because the reply does not make any reference to the said representation.

4. In this context, we hereby direct the Respondent No. 2, who is also the Garrison Engineer (AF) (Bagdogra) Military Engineering Services to consider the

representation dated 07.04.2017 of the applicant, if received at his end, within a period of 4 weeks from the date of receipt of a copy of this order. The respondents are specifically directed to look into the specific issue raised in the application dated 7.4.17 wherein certain objections have been made against the speaking order dated 31.3.17. The respondents will pass a reasoned and speaking order on the said representation and although we have not entered into the merit of the case at this stage, the respondents are to decide in accordance with their extant rules and regulations and to convey the decision forthwith to the applicant.

In case a favourable decision is arrived at, all the benefits should be released to the applicant within a period of eight weeks from the date of arriving at such a decision.

5. With the above observations, the C.A is disposed of. No costs.

(Dr. Nandita Chatterjee)
Member (A)

(Manjula Das)
Member (J)

