

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

OA/350/1931/2015

Date of Order: 12.06.2018

Coram : Hon'ble Mrs. Manjula Das, Judicial Member

Shri Swapan Kumar Majumdar, son of Late Upendra Kumar Majumdar, aged about 67 years, retired as Junior Engineer, E/M, residing at Vill. Balaramdihi, P. O. Jharagram, Dist. Paschim Medinipore, Pin-721507.

Applicant

-Versus-

1. Union of India, service through The Secretary, Ministry of Defence, South Block, New Delhi-110011.

2. The Engineer-in-Chief, Director-General (Personnel), E-1(DPC-1), Integrated Head Quarter, Kashmir House, New Delhi-110011.

3. The Chief Engineer, Eastern Command, Fort William, Kolkata-700021.

4. The Chief Engineer, Kolkata Zone, Ballygunge Maidan Camp, Gurusaday Road, Kolkata-700019.

Respondents

For the Applicant : Mr. B. C. Deb, Counsel

For the Respondents : Ms. P. Goswami, Counsel

Q. R. D. E. R. (Oral)

Per : Mrs. Manjula Das, Judicial Member:

In the instant case, the applicant prayed for a direction to the respondents to grant 3rd MACP in grade pay of Rs. 7600/- with effect from 15.03.2006 to the applicant as early as possible and pensionary benefit such gratuity, commutation pension, leave salaries on enhanced rate along with 8% interest per annum till the actual date of payment.

2. Heard Ld. counsel Mr. B. C. Deb appearing for the applicant and Ms. P. Goswami ld. counsel for the respondents.

3. Today, the ld. counsel for the respondents produce a communication dated 05.02.2018 made by the Chief Engineer Kolkata Zone, Military Engineer Services, Ballygunge Maidan Camp, Kolkata i.e the Respondent No. 4, by which it was intimated that the case for grant of 3rd MACP under modified assured

career progression scheme (MACP) for Grade Pay of Rs. 7600/- for which the above named officer filed O.A No. 350/01931 of 2015 have been considered and granted by Engineer-in-Chief's Branch, New Delhi vide letter No. 41002/MACP/Offrs/E1 DPC (PP & Sub) dated 27th September 2016 wef 01st September 2008. After grant of 3rd MACP to the Officer some action have been taken by the office for grant of 3rd MACP with Grade Pay Rs. 7600/- w.e.f 01st September, 2008 have been published vide PTO NO Offr/10/2016 dated 01 October, 2016.

On the case for grant of 8% per annum, the respondents' reply in the letter in para 3-4 by stating that as here under:

3. Reason for delay for grant of 3rd MACP in the grade pay of Rs. 7600/- it is also submitted that delay in grant of Grade Pay was due to some observation. All the observations were settled in time except regarding appointment letter of the officer for Supdt E/M Gde II post regarding confirmation whether it is promotion from Mate to Supdt E/M Gde II or fresh appointment to the post of Supdt E/M Gde – II. The service documents on the individual were not having any details in this regard. In this connection details of post held by the officer are given below for reference. In case his elevation from Mate to Supdt E/M Gde – II is considered promotion, the officer is not entitled for grant of 3rd MACP in Gde Pay of Rs. 7600/- as those who got three promotion are not entitled for grant of 3rd MACP:-

- a) Mate wef 13 December 1972
- b) Supdt E/M Gde – II wef 15 Nov 1976
- c) Supdt E/M Gde – I wef 29 June 1996
- d) AE E/M wef 13 Feb 2008.

4. To clear the confusion whether the officer have been promoted from Mate to Supdt E/M Gde II or freshly appointed, efforts have been made to trace the appointment letter but it was not available and the officer have also been approached to provide authority letter under which he was appointed in the post of Supdt E/M Gde II. The Officer himself could not be able to produce the same and intimated the same vide his application date 31 August 2016 and 01 Sep 2016 (copy enclosed). Finally it has been granted based on other connected documents and giving due benefits of doubt to the officer.”

- 4. After perusing the reasons for delay, I have find that there is some

confusion whether the officer have been promoted from Mate to Supdt E/M Gde II or freshly appointed, therefore, efforts have been made by the Department to trace the appointment letter but it was not available and the officer have also been approached to provide authority letter under which he was appointed in the post of Supdt E/M Gde II. It is also revealed from the said communication that the officer himself could not produce the same and intimate the same vide his application dated 31 August 2016 and 01 September 2016. It appears that no such documents have been annexed so as to cooperate the Department by producing relevant order of the Department, more particularly, the appointment as well as promotion. Finally it has been granted based on other connected documents and giving due benefits of doubt to the officer.

5. In view of the above, I am convinced with the Department steps and action on the interest claim of the applicant and hence I am not passing any order in view of the prayer of the applicant regarding 8% interest. However, as the applicant has already got relief so far as the other prayer is concerned, the same is disposed of as being infructuous.



(Manjula Das)
Member (J)

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