

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.269/2018.

Date of Decision: 11.04.2018.

CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)
HON'BLE SHRI R. VIJAYKUMAR, MEMBER (A)

Ganesh Waman Thakur,
Chargeman, P.No.93473 E,
C.No.48, Naval Dockyard,
R/at 15/A, Kamgar Nagar,
Kurla (E), Mumbai 400 024.
(By Advocate Shri A.I. Bhatkar)

... ***Applicant***

Versus

1. Union of India,
Through the Secretary,
Ministry of Defence,
South Block, New Delhi 110 001.
2. The Secretary, Ministry of Personnel,
PG & Pensions, Dept. of Pension &
Pensioners' Welfare, 3rd Floor,
Lok Nayak Bhawan, Khan Market,
New Delhi – 110 003.
3. The Chief of Naval Staff,
Integrated Headquarters,
Ministry of Defence (Navy),
Sena Bhavan, New Delhi 110 011.
4. The Flag Officer Commanding-in-Chief,
Headquarters, Western Naval Command,
Shahid Bhagatsingh Road,
Mumbai 400 001.
5. The Admiral Superintendent,
Naval Dockyard, Lion Gate,
Mumbai 400 023.

... ***Respondents***

ORDER (Oral)

Per : Shri A.J. Rohee, Member (J)

Today when the matter is taken up for Admission, heard Shri A.I. Bhatkar, learned Advocate for the Applicant. We have carefully perused the case record.

2. The Applicant who is presently working as Chargeman under Respondent No.5 has approached this Tribunal Section 19 of the Administrative Tribunals Act 1985, seeking the following reliefs:

“8.a) This Hon'ble Tribunal will be graciously pleased to call for the records and proceedings pertaining to the grant of third financial upgradation to the applicant and after going through same hold and declare that the applicant is entitled to get the third financial upgradation in the Grade Pay of Rs.4600/- under MACP Scheme and direct the respondents to grant the same accordingly.

8.b) This Hon'ble Tribunal will be graciously pleased to hold and declare that the applicant is entitled to the fixation of pay by way of addition of one increment equal to 3% of the sum of the pay in the pay band and the existing grade pay i.e. Grade Pay of Rs.4200/- on his promotions to each higher grade and order accordingly.

8.c) This Hon'ble Tribunal will be graciously pleased to hold and declare that the promotion to the post of Master Craftsman, when the applicant is already in the higher grade of Chargeman, is ineffective/unwarranted for the purpose of granting third financial upgradation and order accordingly.

8.d) This Hon'ble Tribunal will be graciously pleased to direct the respondents to grant all consequential benefits including payment of arrears of pay and allowances due and admissible to the applicant.

8.e) This Hon'ble Tribunal will be graciously pleased to pass such other and further orders as deemed fit in the facts and circumstances of the case.

8.f) Cost of this application be awarded to the applicant.”

3. It is thus obvious that the grievance is regarding non-grant of benefit of 3rd MACP w.e.f. 15.02.2013 on completion of 30 years service. He submitted representation dated 04.10.2016 (Annexure A-12). However, it is stated that nothing has been heard from the other end. In view of above, it is obvious that there is no adverse order as such which can be judicially reviewed by this Tribunal.

4. Considering the above fact, we are of the view that ends of justice will be better served, if appropriate directions are issued in this matter. The Respondent No.5, who is stated to be the competent authority to consider the representation is, therefore, directed to consider and pass a reasoned and speaking order on the pending representations dated 04.10.2016 (Annexure

A-12) in accordance with law, within a period of eight weeks from the date of receipt of certified copy of this order.

5. The order so passed shall then be communicated to the applicant at the earliest, who will be at liberty to approach the appropriate forum, in case his grievance still persists.

6. The OA stands disposed of with the aforesaid directions at the Admission stage, without issuing notice to the respondents or without making any comments on merits of the claim and keeping legal pleas open, if any.

7. Registry is directed to send copy of this order to both the parties at the earliest for taking appropriate steps in the matter.

(R. Vijaykumar)
Member (A)

(A.J. Rohee)
Member (J)

dm.