

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.291/2018

Date of Decision : 23rd April, 2018

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

*Surekha Pratap Palande, Chargeman,
 P.No.93822 K, Aged 54 years,
 C.No.55, Naval Dockyard,
 Residing at Raj legacy, C/816, LBS Marg,
 Paper Mill Compound, Vikhroli (W),
 Mumbai 400 083.* - *Applicant*
(By Advocate Shri A.I.Bhatkar)

Versus

1. *The Union of India, Through the Secretary,
 Ministry of Defence, South Block,
 New Delhi 110 001.*
2. *The Flag Officer Commanding-in-Chief,
 Headquarters, Western Naval Command,
 Shahid Bhagatsingh Road, Mumbai 400 001.*
3. *The Admiral Superintendent, Naval Dockyard,
 Lion Gate, Mumbai 400 023.* - **Respondents.**

ORDER (ORAL)

PER: SHRI ARVIND J. ROHEE, MEMBER (J)

Heard Shri A.I. Bhatkar, learned Advocate for the applicant. We have carefully perused the case record.

2. The applicant is presently working as Chargeman under respondent No.3. His grievance

is that although he has completed 30 years of service on 17.01.2014, he has not been granted the benefit of MACP-III. It is stated that the benefit of 2nd MACP is given to him on 17.01.2008.

3. In this OA the following reliefs are sought:-

"(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 the same hold and declare that the applicant is entitled to get the Third Financial Upgradation in the Grade Pay of Rs.4600/- after completion of 30 years of service under MACP Scheme and direct the respondents to grant the same accordingly.

(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 her promotions to each higher grade and order accordingly.

(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.

(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.

(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.

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

4. It is stated by learned Advocate for the applicant that he submitted representation on 27.09.2016 (Annexure A-10) to the respondent No.3 for redressal of his grievance. However, according to him, nothing has been heard from the other end. In view of above, there is no adverse order passed by the respondents so far rejecting the claim.

5. In view of above, we are of the opinion that it is necessary to issue appropriate directions in the matter.

6. Respondent No.3 is, therefore, directed to consider and pass a reasoned and speaking order on the pending representation of the applicant in accordance with law within a period of eight weeks from the date of receipt of a certified copy of the order.

7. The order so passed shall be communicated to the applicant at the earliest who will be at liberty to approach the appropriate forum.

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

9. Registry is directed to forward certified 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)

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