

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.740/2017.

Date of Decision: 30.11.2017.

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

Shri John T. John
Working as Chargeman in Naval
Dockyard, Mumbai – 23.
R/at 2350/200, CGS Colony,
Sector – 06, Kane Nagar, Antop Hill,
Mumbai 400 037. ... *Applicant*
(In Person)

Versus

1. The Union of India,
Through the Chief of Personnel,
Integrated Headquarters,
Ministry of Defence (Navy)
Sena Bhawan, New Delhi 110 011.
2. The Admiral Superintendent,
Naval Dockyard Mumbai,
Lion Gate, Mumbai 400 023. ... *Respondents*

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

Today when the matter is called out for admission, heard the Applicant who appeared in person. We have carefully perused the case record.

2. The Applicant is presently working as Chargeman in Naval Dockyard, Mumbai -23 under Respondent No.3. He has grievance

that on restructuring of cadre, although he has completed 30 years of service he has not been granted the benefit of MACP-III. Although in the OA, the applicant has not mentioned his date of initial appointment at entry level with the Respondent No.3, on interrogation he submitted that he joined in Skilled Grade on 06.08.1984. He, therefore, completed 30 years of service on 06.08.2014.

3. For redressal of his grievance, the applicant submitted a representation dated 08.07.2015 (Annexure A-3) to the Respondent No.2. According to applicant, nothing has been heard from the other end so far and hence he approached this Tribunal seeking following reliefs;

“8.1 Hon'ble Tribunal may kindly call for the record of the orders dated 01.12.2010 (Annexure A-1), order dated 06.02.2014 (Annexure A-2), dated 25.05.2016 (Annexure A-4) and order dated 22.06.2016 (Annexure A-5) and direct the Respondent No.1 to get following clarifications in details from the Ministry of Defence to provide to Respondent No.1 and the applicant, within 04 weeks time.

8.2 How and under what conditions the para 2(ii) of MoD order dated 01.12.2010 (Annexure A-1) will be implemented and regulated resolving its ambiguity with para 2 of MoD order dated 06.08.2014.

8.3 Whether, those who are placed from Highly

Skilled (GP 2400) to Highly Skilled Grade-I(GP 2800) with effect from 01.01.2006 will also be benefited under para 2(ii) of MoD order dated 01.12.2010.

8.4. Whether, those workers who are placed from Highly Skilled (GP 2400) to Highly Skilled Grade-I (GP 2800) with effect 01.01.2006 under onetime measure, are entitled for pay fixation benefit of promotion by adding one extra increment.”

4. Considering the factual position referred above, we are of the view that ends of justice will be better served, if appropriate directions are issued in the matter, since at present there is no impugned order as such, rejecting the applicant's claim for benefit of MACP, which can be judicially reviewed.

5. In view of this, both the Respondent Nos.1 & 2 are directed to consider and pass a reasoned and speaking order on the pending representation dated 08.07.2015 (Annexure A-3) of the applicant, in accordance with law and after considering all the relevant provisions, within a period of four weeks from the date of receipt of certified copy of this order.

6. 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.

7. The OA stands disposed of with the above directions at the admission stage, without issuing notice to the respondents and without making any comments on merits of the claim.

(R. Vijaykumar)
Member (A)

(A.J. Rohee)
Member (J)

dm.