

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.157/2019

This the 18th day of April, 2019

Anil M.Modi
Son of Mangaldas Modi
Aged about 66 years,
MES/117200, Retired Meter Reader
Garrison Engineer (Army)
Camp Hanuman, Ahmedabad 380 003.
Residing at :
55, Shrinagar Society
Opposite Keshav Bag Vadi,
New Vadaj,
Ahmedabad 3800 013. Applicant
(By Advocate : Shri A.L.Sharma)

VERSUS

1. Union of India,
To be represented by
The Secretary, Ministry of Defence, South Block
New Delhi 110 001.
2. The Chief Engineer
Headquarter, Southern Command
Engineer Branch, Pune 414 001.
3. The Chief Engineer
Jodhpur Zone, Jodhpur ECHS Complex,
Opposite Military Hospital
Jodhpur 342 001.
4. The Commander Works Engineer
Camp Hanuman, Ahmedabad 380003.
5. The Garrison Engineer
Cantonment Area, Near Hanuman Temple
Ahmedabad 380 003. Respondents

O R D E R – ORAL

Per : Hon'ble Shri J.V.Bhairavia, Member (J)

In the instant OA, it is contended by the applicant that initially he was appointed as Motor Pump Attendant on 04.05.1972. Subsequently, vide order dated 27.12.1997 he came to be promoted to the post of Meter Reader w.e.f. 01.01.1979 treating such appointment as fresh appointment. He retired from service on 31.7.2013 while working as Meter Reader. He has been issued PPO wherein his date of appointment as been stated as 01.07.1972. The grievance of the applicant is that he was granted financial upgradation on 09.8.1999 i.e. his financial upgradation (under ACP Scheme on completion of 12 years of regular service), the second financial upgradation w.e.f. 31.8.1996 (have completed 24 years of regular service). However, the respondents have not considered the claim of the applicant for 3rd financial upgradation which was due with effect from 01.9.2009 under MACP Scheme on completion of 30 years of regular service. The case of the applicant is that similarly placed official was granted the benefits of 3rd financial upgradation whereas in the case of the applicant, he was denied such benefits. It is contended in this OA that applicant has submitted representation dated 07.3.2018 and requested to the office of the Garrison Engineer, Ahmedabad to grant the benefit of 3rd financial upgradation under MACP Scheme. The said representation has yet not been decided by the respondents. Hence, this OA. Learned counsel for the applicant submitted that he was optimistic for positively action on the part of the respondents in his favour as he was also hopeful for consideration of his claim in the light of the benefits granted to his junior and others similarly situated employees. Accordingly, he would have been considered equally with regard to grant of

3rd financial upgradation and therefore he could not approach this Tribunal had earlier point of time. Counsel for the applicant submitted that the applicant will be satisfied if appropriate direction be issued to the respondents to consider his claim in term of MACP Scheme.

2. I have perused the record and considered the submissions on behalf of the applicant. Since the claim of the applicant for his entitlement to receive the benefits of the 3rd financial upgradation under MACP Scheme is pending before the competent authority and till date, without any decision Under the circumstances, the respondents are hereby directed to consider and decide the representation dated 07.3.2018 (Annexure A-1) if it is received by the respondents, according to the service record of the applicant and also in terms of the MACP Scheme within sixty days from the date of receipt of copy of this order with due intimation to the applicant.

3. With the above directions and observations, the OA stands disposed of.
No costs.

(J.V.Bhairavia)
Member (J)

nk