

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.040/00426/2016

Date of order: This the 29th day of November, 2018

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE MR. N. NEHSIAL, ADMINISTRATIVE MEMBER

1. Sri Nabin Chandra Das
(MES 229529)
Electrician HS I
O/o: The Garrison Engineer, Guwahati
Narengi, Satgaon
Guwahati – 781027.
2. Sri Kosheswar Sharma
(MES 2290530)
Electrician HS I
O/o: The Garrison Engineer, Narengi
Satgaon, Guwahati – 781027.
3. Md. Nur Mahammad Ali Ahmed
(MES 229638)
Electrician HS I
O/o: The Garrison Engineer, Guwahati
Narengi, Satgaon
Guwahati – 781027.
4. Sri Karuna Kanta Nath
(MES 229541)
Electrician HS I
O/o: The Garrison Engineer
Air Force, Borjhar, Guwahati – 781015.

(All the applicants are presently working under the
Administrative control of the O/o. Garrison Engineer
(Air force), Guwahati, Narengi)

...Applicants

By Advocates: Mr. M. Chanda, Mrs. U. Dutta, Ms. S. Begum and
Mr. A.K. Das

-Versus-

1. The Union of India
Represented by the Secretary to the Govt. of India,
Ministry of Defence, South Block, New Delhi – 110001.
2. The Commander Works Engineer, Air Force, Borjhar,
Guwahati – 781015.
3. The Garrison Engineer, Guwahati, Satgaon, Guwahati
– 781027.
4. The Garrison Engineer, Narengi, Satgaon, Guwahati –
781027.
5. The Garrison Engineer, Air Force, Borjhar, Guwahati –
781015.
6. The Controller of Defence Accounts Udayan Bihar,
Narangji, Satgaon, Guwahati – 781171.

...Respondents

By Advocate: Mr. R. Hazarika, Addl. CGSC

ORDER (ORAL)

MANJULA DAS, JUDICIAL MEMBER:

By this O.A., applicants make a prayer for a direction upon the respondents to grant of benefit of 2nd MACP in the Grade Pay of Rs. 4200/- in the PB-9,300-34,800/- or in any other higher Grade Pay w.e.f. 01.09.2008 or from the respective dates of completion of 20 years of regular service by the each individual applicants in the light of the Govt. of India OM dated 19.05.2009 in the light of the CCS (Revised) Pay Rules, 2008 ignoring placement of the applicant

in the cadre of HS I in the Grade Pay of Rs. 2800/- in the relevant Pay Band with a further direction upon the respondent not to treat placement of the applicants in the Grade of HS I as promotion.

2. It was submitted by Mr. M. Chanda, learned counsel for the applicants that all the applicants are presently working under the Administrative control of the O/o Garrison Engineer (Air Force), Guwahati, Narengi. They were initially appointed to the post of different trades now treated as Electrician SK in the scale of Pay of Rs. 950-1500/- in the respondents department on various dates. At present, all of them are working in the post of Electrician HS I in the Grade Pay of Rs. 2800/- and according to Mr. Chanda, they were granted 2nd MACP benefit in the Grade Pay of Rs. 2800/- instead of Rs. 4200/- which is attached to the next promotional post of Master Craftsman.

4. Mr. Chanda fairly submits that similar issues came up before the various Benches of the Central Administrative Tribunal. In view of the judgments and orders passed by the Co-ordinate Bench of Central Administrative Tribunal, the matter is no more res integra. Therefore, learned counsel prays that similar relief be granted as prayed for in the instant Original Application w.e.f. 01.09.2008 in the Grade Pay of Rs. 4200/- which is attached to the promotional post of master craftsman in the scale of pay of Rs. 9300-34800/- or in any

other higher Grade Pay with all consequential benefits including monetary benefits along with 18% interest.

5. On the other hand, Mr. R. Hazarika, learned Addl. CGSC appearing on behalf of the respondents submits that 2nd financial upgradation under 2nd MACP has already been granted to the applicants in the light of CCS (Revised Pay) Rules, 2008. As such, 2nd financial upgradation cannot be granted with Grade Pay of Rs. 4200/- on completion of 20 years service as per MACP which will be granted on completion of 30 years of service or promotion from HS-I to Master Craftsman.

6. We have heard Mr. M. Chanda, learned counsel for the applicants and Mr. R. Hazarika, learned Addl. CGSC for the respondents. Perused the pleadings and all the documents placed on record. On identical issue, the Co-ordinate Bench of Central Administrative Tribunal, Calcutta Bench has decided the matter vide order dated 16.01.2014 in O.A. No. 172 of 2012. The relevant portion of the said order is reproduced here as under:-

"15. Accordingly we quash the para 2(1) of the impugned order dated 01.12.10 and direct the respondents to examine the claim of each of the applicants for grant of MACP benefits as applicable and pass appropriate orders within three months."

7. On identical issue, the Co-ordinate Bench of Central Administrative Tribunal, Ernakulam Bench has also decided the

matter vide judgment and order dated 12.08.2015 in O.A. No. 9 of 2013. The relevant portion of the order of the Tribunal is reproduced here as under:-

“7. Order dated 1.12.2010 and declare that placement in Highly Skilled Grade I due to bifurcation of Highly Skilled Grade is not a promotion for the purpose of MACP Scheme. The respondents are directed to grant the benefit of MACP Scheme to 2nd and 3rd applicant and members of the 1st applicant union who are similarly placed with all consequential benefits of arrears of pay and allowances.”

8. In view of the above, respectfully following the decisions of the Co-ordinate Bench of Central Administrative Tribunal, Calcutta Bench as well as Central Administrative Tribunal, Ernakulam Bench, we direct the respondents to verify as to whether present applicants are similarly situated with the applicants of the aforesaid cases or not, and if so, similar benefit shall be extended to the present applicants also, within a period of three months from the date of receipt of a copy of this order.

9. With the above directions, O.A. stands disposed of with no order as to costs.

(N. NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)