

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.372/2012

Date of Decision: 28.03.2019.

CORAM: R. VIJAYKUMAR, MEMBER (A)
R.N. SINGH, MEMBER (J)

1. Shri K.M. Khopkar
2. Shri M.N. Chimbalkar
3. Shri R.B. Mavdikar
4. Shri R.D. Tagade
5. Shri R.C. Dhivar
6. Shri J.U. Gangawane
7. Shri M.S. Bagal
8. Shri S.S. Tamhankar
(All 1 to 8 C/o Shri K.M. Khopkar,
137, Madhuban, Galli No.5, Sangavi,
Pune 411 027).
9. H.D. Waghere
At & Post Pimprigaon, Near Geeta Niwas,
Pimpri Pune – 411 017.
10. A.L. Phutane
A-7, Sejal Park, Keshav Nagar,
Chinchwad Pune 411 033.
11. M.N. Jadhav
S.No. 34/1, Plot No.20, Road No.11,
Vidyanagar, Pune 411 032.
12. D.D. Patole
S. No. 241, Road No.14, Behind Buddha
Vihar, Vidyanagar, Pune 411 032.
13. Shri Ashok Dayaram Gangurde
Sairaj Residency, "Shankar Raj Park",
B-1, Sr.No.38/1/1, Pimple Gurav,
Pune 411 027.
14. Shri V.A. Kutal
Flat No.5, Krushna Appt.,
Near Khosla Plastic Company,
Bapodi Chowk, Bapodi, Pune 411 003.

... *Applicants*

(All applicants working at Controller C.Q.A
Khadkee, Pune – 3.)
*(Advocate Shri Prashan, holding for
Shri N.G. Helekar)*

VERSUS

1. The Union of India,
Through Ministry of Defence,
Through Secretary, South Block,
New Delhi – 1.
2. Department of Personnel & Training
Through Secretary, New Delhi,
South Block, New Delhi – 1.
3. Director General (Quality Assurance)
(Armaments) D.H.Q., New Delhi Room
No.234, South Block, New Delhi.
4. Controller C.Q.A. (A),
Khadkee, Pune 411 003.

... ***Respondents***

(Advocate Shri R.R. Shetty)

ORDER (Oral)

Per : R. N. Singh Member (J)

Heard Shri Prashant, learned counsel
appearing for the Applicants and Shri R.R.
Shetty, learned counsel for the Respondents.

2. The Applicants have approached this
Tribunal by filing the aforesaid OA under
Section 19 of the Administrative Tribunals
Act, 1985 seeking the following reliefs;

*“8.i) Call for entire material record
pertaining to the issuance of the impugned letters
dated 28.04.2011 and 29.03.2011 (Annex.A-8) for
its kind perusal.*

8.ii) *After going through the entire record of the letters dated 28.04.2011 and 29.03.2011, the Hon'ble Tribunal may kindly hold and declare that the letters dated 28.04.2011 and 29.03.2011 are illegal and bad in law.*

8.iii) *Direct the respondents to grant all benefits of the Modified Career Progression Scheme (Annex.A-6) to the applicants including arrears of pay etc.*

8.iv) *To direct the respondents to calculate and pay the differences of the pay scales between the earlier Assured Career Progression Scheme and Modified Career Progression Scheme and continue to pay the same till the final disposal of the present Original Application.*

8.v) *Grant any other relief/s that this Hon'ble Tribunal deems fit and proper in the facts and circumstances of the case to the applicants.*

8.vi) *Award the cost of the instant list to the applicants.*

8.vii) *The Applicants may pleased be permitted to file joint applications."*

3. In response to notice issued by this Tribunal, the respondents have filed their reply and the matter was listed for final

hearing. Learned counsel for the respondents has earlier placed on record a letter dated 15.03.2019 wherein it was contended on behalf of the respondents that the applicants at sr.nos.1 to 12 have already been granted 3rd financial upgradation under MACPs and the applicants at sr.No.13 and 14 have already received two financial upgradation and are due for 3rd financial upgradation w.e.f. 18.07.2018 on account of completion of 10 years of continuous service in the same grade pay of Rs.4200/-. However, further time was granted to the applicants to seek instructions on such stand of the respondents.

4. When the matter is taken up today as part-heard, Shri Shetty learned counsel for the respondents submits that the earlier instructions which he has got vide respondents' letter dated 15.03.2019 were erroneously given by the respondents and now the issue has been reconsidered by them and they have given fresh instructions vide letter dated 27.03.2019. He has supplied a copy of the letter dated 27.03.2019 to the

learned counsel for the applicant and has also placed the same on record which reads as under;

"Tele 23011344

Government of India
Ministry of Defence
Deptt. Of Defence
Production/DGCA Date of
Admn;Adm-101, New
Delhi 110 011.

The Controller
CQA(A), Kirkee
Pune - 411 003.

**OA NO. 372/2013 FILED BY SHRI K.M
KHOPKAR & 13 OTHER V/S, UOI & OTHERS
IN CAT, BOMBAY BENCH, MUMBAI.**

1. Reference this HQ letter No A/85205/D' Man/12 (HC)DGQA/Adm-10 dated 13 Oct 2017.
- 2 Proforma for grant of 3rd financial upgradation under MACPS respect of the aoplicarts in the ibia OA have been received in this HO and duly scrutinized. The same are under submission to the Competent Authority for issue of requisite sanction letter.
3. Further delay caused is attributable to order dated 03/04/2013 in OA No 2520/2012 filed in CAT, PB New Delhi by the D/Mar Association of DGQA for the purpose of grant of ACP to the Tracers in terms of CPWD Award Department challenged the said order of Hon be CAT, PB New Delhi by filing a WP in High Court Delhi. High Court Delhi upheld the order of CAT, PB, New Delhi. However, on advice Addl Solicitor General, the Department did not file SLP in Supreme Court and implemented the order.
4. In view of the foregoing you are requested to kindly obtain at least four weeks time from

Hon'ble CAT Mumbai Bench for completion of the entire procedure for grant of 3rd financial upgradation under in the grade pay of Rs.4800/- to the applicants in the instant OA.

5. *The Govt Standing Counsel in the instant OA may please be communicated accordingly. Accordingly.*


*Sd/-
(A Rajan Babu)
Dir(Pers)
DGQA"*


5. Learned counsel for the applicants submits that although vide the aforesaid letter dated 27.03.2019, it is evident that the respondents are in the process of granting 3rd financial upgradation to the applicants in the grade pay of Rs.4800/-, however, the applicants have prayed for the grade pay of Rs.5400/- and not Rs.4800/-.

6. We have perused the prayer made by the applicants in the OA as well as the order challenged by the applicants. However, we do not find such a claim for Rs. 5400 GP made by the applicant anywhere in the prayer in the aforesaid OA. In view of the aforesaid, the OA is disposed of with directions to the respondents to complete the entire process of grant of financial upgradation to the applicants in accordance

with law, within four weeks as they have prayed for the purpose. It is made clear that if at all the applicants ^{still remain} ~~are~~ aggrieved, they will be at liberty to agitate any of their grievances in accordance with law, if so advised.

7. In the aforesaid terms, the OA is disposed of. No order as to costs.


(R.N. Singh)
Member (J)


(R. Vijaykumar)
Member (A)

dm.



