

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH NEW DELHI**

**OA 3053/2018**

**This the 31<sup>st</sup> day of May, 2019**

**Hon'ble Mr. R.N. Singh, Member (J)**  
**Hon'ble Mohd. Jamshed, Member (A)**

Kuljit Singh  
S/o Late Shri Chattar Singh  
R/o Flat No. 452, Sangam Apartment,  
Pitampura, Delhi-110034  
Aged about 61 years  
Group-B, Enforcement Officer

..Applicant

(By advocate: Sh. V.C. Pandey)

**VERSUS**

1. Govt. of NCT of Delhi  
Through its Chief Secretary,  
8<sup>th</sup> Level, Delhi Secretariat,  
New Delhi
2. The Commissioner of Transport,  
5/9, Under Hill Road,  
Delhi-110054
3. Lieutenant Governor  
Raj Niwas, Raj Niwas Marg,  
Delhi-110054

..Respondents

(By advocate: Sh. R.K. Sharma)

**ORDER (ORAL)**

**By Hon'ble Mr. R.N. Singh, Member (J),**

The applicant retired as Enforcement Officer from the services of the respondents and has approached this Tribunal, by way of this OA, seeking the following relief(s):-

“(i) To call the record.

(ii) To convene the meeting of screening committee for consideration of applicant for grant of 2<sup>nd</sup> MACP w.e.f. 12.01.2010 on completion of 20 years service with all consequential benefit.

(iii) The arrears of pay on grant of MACP & revision of ACP may be paid.

(iv) The interest may be paid on the arrears of pay on the rate admissible to PPF/GPF.

(v) The pension admissible to the applicant w.e.f 01.07.2017 may be revised accordingly.

(vi) The order dated 31.05.2017 calculating the qualifying service for calculation of pensionary benefits may be revised to the extent that the service rendered by the applicant in DSMDC Ltd. may be counted as qualifying service for pension purposes.

(vii) Direct the respondents to pay the cost of the proceedings.

(viii) Any other order/relief which Hon’ble Tribunal may deem fit and proper in the facts and circumstances of the case.”

2. In pursuance to the notice of this Tribunal, the respondents have filed short affidavit and on the basis of such affidavit, learned counsel for the respondents invited our attention to para 5 of the said affidavit, which reads as under:-

“5. The Respondents vide Order No. F8(2)/ Admn/Tpt/96/1556-60 dated 01.03.2019 was pleased to pass following order:-

“The services w.e.f. 12.01.1990 to 06.08.1996 as rendered in DSMDC LTD. by Sh. Kuljit Singh x. Enforcement officer

shall be counted as qualifying service for pension, retirement gratuity etc. as per services department letter No. F.9/11/92.SII dated 24.09.1993 and further in accordance with order No. F.8 (27) ADMIN/Tpt/95/5900-5913 dated 20.10.99.

Further the services w.e.f. 12.01.1990 to 06.08.1996 as rendered in DSMDC LTD. by Sh. Kuljit Singh Ex. Enforcement Officer shall also be counted for benefit of ACP/MACP in accordance with letter No. F4(3)/2013/ACP/Services/grade/DASS/774-784 dated 20.07.2015 issued by Services Department ACP cell GNCT of Delhi.

This issue with prior concurrent of IFA of this department and approval of Principal Secretary cum Commissioner”

A copy of abovementioned order dated 01.03.2019 is annexed hereto and marked as Annexure A.”

3. Learned counsel for the respondents submits that in view of the aforesaid prayer of the applicant, as contained in para 8.2 of the OA, it has become infructuous. However, learned counsel for the applicant submits that though the respondents have passed this order on 01.03.2019 (Annexure-A) with the short affidavit, but they had not considered the applicant for grant of benefits under the ACP and MACP Scheme. Learned counsel for the respondents submits that the respondents have stated in para 5 of the short affidavit that the respondents have already passed order to the effect that they will consider

the applicant for grant of benefits under the ACP and MACP Scheme as well.

4. In the aforesaid facts and circumstances, the OA is disposed off with the following directions:-

- (i) In view of the above, the respondents are directed to consider the applicant for grant of ACP and MACP Scheme, keeping in view their subsequent order dated 01.03.2019 referred above.
- (ii) In case the applicant is granted the benefits under ACP and MACP Scheme and thus his pay is revised, the respondents are directed to grant the arrears of pay and also revise the pension and grant the arrears of pension, if any, in accordance with relevant rules.
- (iii) The aforesaid exercise shall be completed by the respondents within 90 days, from the date of receipt of a certified copy of this order. No costs.

**(Mohd. Jamshed)**  
**Member (A)**

**(R.N. Singh)**  
**Member (J)**

/daya/