

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BENGALURU**

ORIGINAL APPLICATION NO.170/001511/2018

DATED THIS THE 13TH DAY OF JUNE, 2019

**HON'BLE DR.K.B.SURESH
HON'BLE SHRI C.V. SANKAR**

**...MEMBER(J)
...MEMBER(A)**

R.MANO HAR,
S/o Late A.K.RAMALINGAM,
Aged about 60 years,
UDC (Retd),
Rastrya Military School
Bangalore-560 025
Res:Camp,
Rashtriya Military School
Bangalore-560 025

... APPLICANT

(By Adovate Shri K. Hanifa)

Vs.

1. Union of India
Rep by its Secretary,
Ministry of Defence (MOD),
South Block,
New Delhi-110 011.

2. Director General of Military Training,
MT – 15, General Staff Branch,
Integrated Head Quarters of MOD (Army),
New Delhi – 110 011.

3. The Director,
MT – 7, General Staff Branch,
Integrated H.Q. of MOD (Army),
New Delhi – 110 011.

4. The Principal,
Rashtriya Military School (RMS),
Bangalore– 590 025.

5. The PCDA,
107, Lower Agram Road,
Agram Post,
Bangalore-560 007.

...RESPONDENTS

(By Standing Counsel Shri H.R Sreedhara for Respondents)

ORDER (ORAL)**HON'BLE DR.K.B.SURESH ...MEMBER(J)**

Heard. The respondents' case is that we had held in other cases that the benefits like now sought for by the applicant cannot lie. But then, apparently the order issued by the Government vide A/21020/II.C/MP-8 (I of R) (C)/3636 dated 01.10.2018, which we quote:

A/21020/II.C/MP-8 (I of R) (C)/3636

Government of India

Ministry of Defence

Sena Bhawan, New Delhi

Chief of Army Staff
New Delhi-110 011.

Dated 01.10.2018.

Grant of Financial Upgradation under ACP/MACP Scheme to Defence Civilian Employees of Record Officers with effect from the date of Appointment by counting the prior service rendered by them as in Lieu of Combatants.

1. I am directed to convey the sanction of the Competent Authority to grant only the benefits under ACP/MACP Scheme with effect from the date of appointment by counting prior service rendered as in lieu of Combatants' to 382 Defence Civilian employees (as per att Appendix 'A' and 'B') of Army Record Officers subject to an undertaking to be obtained from the concerned employees that no further claims will be made on the basis of ibid Govt Sanction. Further, this case will be considered as an exception without being cited as a precedent.

2. This issues with concurrence of Def/Fin AG(PB) vide their ID No.235/AG/PB/2017 dt. 26 Sep 2018.

Yours faithfully,

-sd/-

(Balbir Singh)

Under Secretary to the Govt. of India.

2. Therefore, we do not think that any more adjudication is required, as the matter had been settled at the level of the Government.

3. OA therefore, disposed off. Benefits may be calculated and granted to the applicant within 3 months next. No costs.

(C.V. SANKAR)
MEMBER(A)

(DR.K.B.SURESH)
MEMBER(J)

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Annexures referred in O.A. No. 170/00511/2018

Annexure A1: Order dt.04.03.2011 in O.A.No.427/2010 of CAT, Bangalore Bench.
Annexure A2: Order dt.01.02.2012 in O.A.No.3409/2011 of CAT, Principal Bench.
Annexure A3: Letter No.CIV PAY II/T22 dt.22.02.2013 RMS B'lore issued by R-5
Annexure A4: Order dt.11.03.2014 in O.A.No.910/HR/2011 of CAT, Chandigarh Bench.
Annexure A5: Representation dt.25.06.2016 of the Applicant.
Annexure A6: L.No.47020/Gen/Cir/GS/MT-7 dt.27.06.2016-issued by R-3.
Annexure A7: L.No.008/QS-RM-LDC/ACCTS dt.21.07.2016-issued by R-4
Annexure A8: Reminder dt.31.08.2018 of the Applicant to R-4.

Annexures referred by the Respondents in the Reply

Annexure-R1: Copy of letter dated 7.3.2008.
Annexure-R2: Copy of order dated 24.6.2016 in OA. 1226/2015.
Annexure-R3: Copy of order dated 24.10.2016 in RA. 70/2017 in OA.1226/2015.
Annexure-R4: Copy of order dated 08.08.2016 in Civil Writ Jurisdiction case No.3071/2016.

Annexures referred in by the Applicant in the Rejoinder

Annexure A9: A/21020/II/C/MP-B)I of R)(C) - dt.01.10.2018 issued by R-1.
Annexure A10: A/21020/II/C/MP-B)I of R)(C) - dt.03.10.2018 issued by R-1.
Annexure A11: Appointment orders of the Applicant.
Annexure A12:PPO No. 414201801021 - dt.30.06.2018.
Annexure A13: Representation dt.20.02.2019 & 04.03.2019 of the applicant.
