

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH**

Original Application No.180/00609/2018

Thursday, this the 28th day of November, 2019

C O R A M :

**HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER
HON'BLE Mr.ASHISH KALIA, JUDICIAL MEMBER**

Bindhu P.S
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...Applicant

(By Advocate – Mr.Vishnu S Chempazhanthiyil)

versus

1. Union of India, represented by
The Secretary, Ministry of Defence
New Delhi – 110 001
2. The Director General NCC
Headquarters Directorate General NCC
West Block IV, R.K.Puram, New Delhi – 110 066
3. The Additional Director General NCC
NCC Directorate (K&L), Vazhuthacaud
Thiruvananthapuram – 695 010

(By Advocate- Mr.Anil Ravi,ACGSC)

This application having been heard on 28th November 2019, the Tribunal on the same day delivered the following :

O R D E R (ORAL)

Per : Mr.ASHISH KALIA, JUDICIAL MEMBER

The applicant is aggrieved by denial of 2nd MACP from the due date of 2.1.2015 on the ground that service of the applicant from 2.1.1995 to 31.12.1996 is on adhoc/contract basis. The reliefs sought in the Original Application are as follows:

“ 1. Direct the respondents to grant 2nd financial upgradation to the applicant w.e.f 2.1.2015 i.e. date of completion of 20 years of service from the date of appointment/joining duty as LDC (in lieu of combatant) and grant all consequential benefits.

2. Call for the records leading to the issue of Annexure A7 and set aside Annexure A7, in as much as same directs to ignore service from 2.1.1995 to 31.12.1996 to the applicant rendered as Civilian Clerk “in lieu of combatant”.

3. Call for the records leading to the issue of Annexure A8 and A9 and set aside to the extent the same grants 2nd MACP to the applicant only from 1.1.2017, instead of the entitled date of 1.1.2005.

4. Call for the records leading to the issue of Annexure A10 and set aside Annexure A10.

5. Any other further relief or order as this Hon'ble Tribunal may deem fit and proper to meet the ends of justice.”

2. Today, learned counsel for the respondents has produced a letter dated 30.7.2019 as Bench mark. Paragraph 2 of the same states as follows:

“2. It is intimated that the case taken up by this HQ with AG/MP-8 (1 of R) and MoD/D(GS-VI) for sanction of 'in lieu of combatant service' for ACP/MACP is at an initial stage and no time limit for the case can be indicated at this moment as multiple Govt organizations are involved.

.3.

Although, the matter is being proactively perused at all levels no assurance can be given in this regard. ”

3. Learned counsel for the respondents prays for four months time for consideration of the case of the applicant.

4. We are of the view that this Original Application can be allowed with a direction to the respondents to implement the order within four months from the date of receipt of a copy of this order. Ordered accordingly. No costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

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List of Annexures

1. Annexure A-1 - True copy of the letter No.15702/REL/313-322/OTR/14/V-1-94/Org4(Civ)(b) dated 11.8.1994 issued by the Army Headquarters
2. Annexure A-2 True copy of the Memo No.B/05183/CA313-322/OTR/Inf-6(Pers) dated 26.9.1994 issued by the Director General, Infantry
3. Annexure A3 - True copy of the orders issued by the Officer-in-Charge of Records, Records the Madras Regiment, Wellington, Nilgiris
4. Annexure A4 - True copy of the communication No.12467/MACP/UDC/DG NCC/Pers(C) dated 18.6.2015 issued by the 2nd respondent
5. Annexure A5 - True copy of the representation dated 28.7.2016 to the 2nd respondent
6. Annexure A6 - True copy of the frequently asked questions issued by the Government of India on MACP
7. Annexure A7 - True copy of the communication No.1979/MACP/DGNCC/Pers(C) dated 17.3.2017 issued by the 2nd respondent
8. Annexure A8 - True copy of the order No.12467/MACP/SSA/DGNCC/Pers(C) dated 21.9.2017 issued by the 2nd respondent
9. Annexure A9 - True copy of Part II Order No.50/NCC(K&L) dated 9.10.2017 issued by the 2nd respondent
10. Annexure A10 - True copy of communication No.1979/MACP/DGNCC/Pers(C) dated 17.5.2017 issued by the 2nd respondent
11. Annexure A11 - True copy of MACP Scheme issued vide O.M No.35034/3/2008-Estt(D) dated 19.5.2009.
12. Annexure A12 - True copy of communication No.A/21020/ILC/MP-8(1 of R)(e)/3635 dated 1.10.2018 issued from the Ministry of Defence.
13. Annexure R1 - Hon'ble HC Patna Order dated 28 Nov 2016
14. Annexure R2 - DoP&T OM No.35034/3/2008-Estt(D) dated 19 May 2009.///