

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.061/01087/2019
Chandigarh, this the 22nd day of October, 2019

...
CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

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Sh. Kartar Nath (MES No. 360004, Ex-JE (Civil), aged 71 years s/o Sh. Paras Nath, r/o Village Dhani, Neeli Nalla, P.O. Barolla, Tehsil and District Udhampur (J & K) – 900101.

....Applicant

(Present: Mr. K.B. Sharma, Advocate)

Versus

1. Union of India through its Secretary, Ministry of Defence, South Block, New Delhi – 110011.
2. The Engineer in Chief, Military Engineer Services, Engineer-in-Chief's Branch, Integrated Headquarters of MoD (Army), Kashmir House, Rajaji Marg, DHQ, PO, New Delhi – 110011.
3. The Chief Engineer, Head Quarters, Northern Command, MES, Udhampur c/o 56 APO- 900386.
4. Chief Engineer, MES, Udhampur Zone, Udhampur, c/o 56 APO – 900386.
5. Garrison Engineer (I) (Army), Dar Road, Udhampur – 901216
6. Principal Controller of Defence Accounts (Pension), Draupadi Ghat, Allahabad (U.P.) – 211014.

..... Respondents

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. Applicant by way of the present O.A. has sought issuance of a direction to the respondents to grant him the benefit of 3rd financial upgradation under MACP Scheme w.e.f. 01.09.2008 in the pay scale of Rs.9300-34800 + G.P. of Rs.4600/- along with all consequential benefits like arrears of pay and allowances and revised pensionary benefits etc.
2. Heard.

3. Learned counsel submitted that the applicant, after rendering 38 years of service, retired on attaining the age of superannuation w.e.f 28.02.2009. He submitted that in implementation of 6th CPC, MACP Scheme for grant of three financial upgradations after 10, 20, and 30 years of service respectively was issued on 09.08.2009 which was operative from 01.09.2008. He argued that since the applicant, throughout his service career, earned only two promotions, therefore, he is entitled to the benefit of 3rd financial upgradation in the pay band of Rs.9300-34800 + G.P. of Rs.4600/- w.e.f. 01.09.2008. It is contended that despite the fact that the case of the applicant has already been forwarded to the higher authorities for approval, as informed vide reply dated 19.02.2019 to the legal notice dated 13.11.2018 served upon the respondents, no benefit has been granted to the applicant till date. He suffered a statement at the bar that the applicant would be satisfied if a direction is issued to the respondents to take a call and decide his claim in a time bound manner.

4. Considering the short prayer made on behalf of the applicant coupled with the fact that his case has already been sent to the higher authority, this O.A. is disposed of, in limine, with a direction to Respondent No. 2 to take a call and decide the claim of the applicant for grant of 3rd financial benefit, in accordance with law within a period of three months. Upon such consideration, if the applicant is found entitled to the relevant benefits, the same be extended to him within a period of two months thereafter, otherwise a reasoned and speaking order be passed and duly communicated to the applicant.

5. Needless to mention that the disposal of the O.A. shall not be construed as an expression of any opinion on the merit of the case.

No costs.

(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 22.10.2019

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