

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI**

ORIGINAL APPLICATION No.180/2014

Date of decision: 18.09.2019

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

1. D. V. Dere
Aged about 49 years,
Gajanan Nagar, Lane No.3,
Pimple Gurav, Pune-411 061.
2. D. T. Mergal
Aged about 48 years,
Sr. No.39/85-88, Pimple Gurav
Pune-411061.
3. S. T. Pawar,
Aged about 48 years,
53/17 Vinayak Nagar,
Pimple Gurav, Pune-411 061.
4. G. D. Waluni
Aged about 47 years,
Sector No.2, Indrayani Nagar,
Bhosari, Pune-411 039.
5. B. T. Jadhav,
Aged about 46 years,
At Post-Chimbali,
At-Khed, Dist. Pune.
6. S. M. Bartake,
Aged about 43 years,
Sr. No.69, Shramik Nagar,
Post Dighi, Tal-Haveli, Pune-411 015.
7. S. G. Gharge,
Aged about 47 years,
Sr. No.71, Flat No.1,
Ganaraj Building,
Pimple Gurave,
Pune-411 061.
8. G. B. Bichukale

Aged about 49 years,
At & Post Nira, Tal-Purandhar,
Dist-Pune.

9. M. S. Mane
Aged about 52 years,
Sr. No.22/5/12, Anand Van Society,
Thergaon, Pune-411 033.
10. R. M. Sawane,
Aged about 52 years,
Sr. No.33, Behind Bharti
Vidyapeeth, Pune-411046.
11. V. D. Shinde,
Aged about 45 Years
Swati Shree Appt,
Flat No.3, Sai Chowk
New Sanghavi, Pune-411 027.
12. D. S. Kamble,
Aged about 47 Years
Sr. No.72/1, Sai Kutir
Flat No.5, New Sanghavi, Pune-411027.
13. M. S. Sadankar,
Aged about 51 Years
397 Shankar Sheth Road,
BP T Appt, CY-24,
Behind Pornima Tower,
Pune-411 037.
14. R. S. Kukla
Aged about 50 Years
Flat No.306, Building No.4C,
Swapnapurti House Society,
Sec-26, Pradhikaran, Pune-411 044.
15. M. S. Chopra,
Aged about 50 Years
Sr. No.14, Jai Jawan Nagar,
Yerwada, Pune-411 006.
16. F. M. Anthony,
Aged about 49 Years
House No.9, Chikhalwadi,
Khadki, Pune-411003.

17. N. M. Landge,
Aged about 49 years,
House No.1075, Road No.1
Tukai Darshan, Pune Saswad Road,
Fursungi, Pune-411 038.
18. A. T. Boragi,
Aged about 49 years,
C/o Mukani B. M., Pande Chawal,
Landewadi, Bhosari, Pune.
19. A. T. More
Aged about 49 years,
Joyotiba Colony, Nakhate
Vasti Rahatani, Pune-411 017.
20. M. R. Khedekar
Aged about 48 years,
At Post-Urali, Tal-Purandar,
Dist-Pune.
21. R. K. Dhumal,
Aged about 48 years,
Sr. No.45, Baliraj Colony,
Rahatani, Pune-411 017.
22. R. S. Rawat,
Aged about 48 years,
56/2/18, Kawade Nagar,
Pimple Gurave,
Pune-411 061.
23. N. B. Magar,
Aged about 48 years,
Sr. 39/85/88, Dhanori,
Pune-411015.
24. J. A. G. Samuel
Aged about 47 years,
Sharada Regency, Plot No.B12,
Sr. No.12, Wanawari,
Pune-411040.
25. N. P. Bhujbal
Aged about 49 years,
At Post-Walhe, Tal-Purandar
Dist-Pune.

26. R. N. Mate,
Aged about 47 years,
Khadakwasla, R. S.
Pune-411 048.
27. Dhamdere
Aged about 47 years,
Dattkrupa Flat No.8,
Dhore Nagar, Sanghavi,
Pune 411 027.
28. R. J. Ingale,
Aged about 47 years,
Sr. No.69, Shramik Nagar,
Dighi, Pune 411 015.
29. S. D. Pawar
Aged about 47 years,
Survey No.86/28/2,
Jawalkar Nagar,
Pimple Gurav, Pune-411 061.
30. V. S. Chavan
Aged about 47 years,
At Post-Kalas, Malwadi,
Pune-411 042.
31. S. D. Surve
Aged about 47 years,
Navnath Chawl, Alandi Road Kalas,
Post Dighi, Tal-Haveli, Pune-411 015.
32. S. P. Wavhal
Aged about 46 years,
At Post-Kuruli, Tal-Khed
Dist-Pune-411 501.
33. S. G. Tikone
Aged about 46 years,
15/2, Shrikant Co-Housing soc,
Srifharnagar, Chinchwad,
Pune-411 033.
34. V. K. Bankar
Aged about 46 years,
At Post Moshi, Bankar Vasti,
Tal-Haveli, Dist. Pune.

35. V. S. Shinde
Aged about 46 years,
Survey No.17, Siddharth Nagar,
Lohagaon Road, Dhanori,
Pune-411 015.
36. M. E. Jagadale
Aged about 45 years,
Siddheshwar Soc., G. Building,
MIDC, Chinchwad, Pune-411 019.
37. V. M. Satpute
Aged about 45 years,
Sr. No.84, Jawalkar Nagar,
Pimple Gurave, Pune.
38. S. V. Kedari
Aged about 43 years
Datta Nagar, Kiwale,
Survey No.70, Dehu Road-412101.
39. S. V. Nalawade
Aged about 47 years,
Abasaheb Pawar Nagar,
Sanghvi, Pune-411 027.
40. S. V. Kadam
Aged about 46 years
Shivam Society, Survey No.54/1,
Flat No.13, Vinayak Nagar,
Road No.2, Pimple Gurave,
Pune-411061.
41. S. T. Junghare
Aged about 46 years
Shubhankar Nagari,
Vikas Nagar, Kiwale,
Dehu Roa, Pune.

... Applicants.

(By Advocate Shri P. J. Prasadrao)

VERSUS.

1. Union of India
Though their Secretary
Ministry of Defence,
South Block, New Delhi-110 011.

2. Integrated Headquarters of
Ministry of Defence (Army),
MGO.s Branch, South Block,
New Delhi-110 011.
3. The Commander
Headquarters of Base Workshop,
Group EME, Meerut Cantt.
4. The Commandant and M. D.,
512 Army Base Workshops,
Kirkee, Pune-411 003.

... Respondents.

(By Advocates Shri V. S. Masurkar and Shri P. Khosla)

O R D E R (O R A L)

Per: R. VIJAYKUMAR, MEMBER (A)

1. When the case is called out, Shri P. J. Prasadrao, learned counsel appeared for the applicants.

2. Mrs. N. V. Masurkar, learned counsel appeared for the respondents.

3. This OA has been filed by the applicant on 19.08.2013 under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

"(i) To allow this application.

(ii) This Hon'ble Tribunal be pleased to quash and set aside the impugned order dated 14.09.2012, 20.06.2011 and 01.12.2010 and 20.06.2011 as illegal and void.

(iii) This Hon'ble Tribunal be pleased to direct the Respondents to grant MACP benefits with effect from 09.09.2008 to the applicants treating the

restructuring granted on 01.01.2006 as placement and not promotion.

(iv) To pass any other order or orders in the interest of justice, as deemed fit and proper in the circumstances of the case.

(v) This Hon'ble Tribunal be pleased to allow the applicants to file joint application under the provisions of Rule 4(5) of the CAT 9(Procedure) Rules, 1987 as the cause of action and nature of the reliefs prayed for are common in nature. Grant the permission to all the applicants to file a joint application."

4. The applicants had joined service under the respondents as Vehicle Mechanics-Motor Vehicle (VMMV) from January 1987 to December 1989 and received various promotions or placements as they would describe it and have now claimed that they are entitled to 3rd MACP on completion of 30 years of service. The respondents have filed their reply and after filing the rejoinder on 28.01.2015, the respondents filed their affidavit in reply on 13.03.2018 and then a further sur-rejoinder on 28.02.2019 by way of MA No.164/2019 giving details of the service rendered by the 41 applicants as a tabular exhibit.

5. The learned counsel for the applicants submits that there is a catena of judgments including one of the Hon'ble Madras High Court in case of The Union of India and Ors. Vs. H. John Nepomission and Ors. dated 24.06.2019 which supports their claim of

regard to their service period as all the facts are identical to the case decided by the Hon'ble High Court in that matter and law laid down by the Hon'ble Supreme Court would be applicable for the applicants in their cases. They also refer in this regard to the principle laid down by the Hon'ble Apex Court in Union of India and Ors. Vs. F. C. Jain SLP (Civil) No.289 of 2003 upholding the orders of this Tribunal in Principal Bench in OA No.818/2000 and reiterated for the identical categories of applicants as in this OA by the Principal bench of this Tribunal in OA No.4101/2012 dated 13.11.2013 granting the benefits sought in this OA.

6. It is also submitted that the decision of Hon'ble High Court in this case had not been brought to the notice of the respondents by the applicants and therefore, the respondents did not get the opportunity to look into the law and orders passed by the Tribunal in identically placed cases.

Moreover, we find that the impugned order dated 14.09.2012 (Annexure A-1) is more in the nature of a telegraphic order and conveys no reasons for such decision to refuse the benefits claimed by the applicants.

7. In the facts and circumstances, the OA is disposed of. The matter is remitted back to the

respondents to consider the claim of the applicants more particularly, the representation dated 12.12.2012 (Annexure A-12) which is stated to be still lying pending for consideration of the respondents and pass an appropriate reasoned and speaking order from the date of receipt of a certified copy of this order.

8. It is made clear that in case supplementary representations are received within two weeks of these orders by the respondents from applicants the same shall also be taken into consideration for passing appropriate orders within two weeks of receipt of such representations.

9. In view of the above, the OA is disposed of.
No order as to costs.

(R. N. Singh)
Member (J)

(R. Vijaykumar)
Member (A)

V.

JD
10/10/19

