

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00105/2020

Thursday this the 16th day of July 2020

C O R A M :

HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER
HON'BLE Mr.K.V.EAPEN, ADMINISTRATIVE MEMBER

- 1 . Shri. K. Bhaskaran Nair, S/o Late K.Kesavan Nair, aged 71 years, Retired Stenographer Grade-II, MES, Kochi, residing at Prasad Bhavan, Puthalathu Junction, Manjakala P.O., Kollam District-691508.
2. G. Oonnoonny, S/o K.G. Varghese, aged 69 years, Stenographer (Retired), MES, Kochi, residing at Flat No. Q4, Galaxy Hamilton, Chilavannoor Road, Kadavanthara P.O., Kochi - 682020.
3. Smt. Thresiamma G. Thomas, W/o Thomas aged 55 years, Private Secretary (Retired), MES, Kochi, residing at Thazhathethil House, Aakkapanam, Amballoor P.O., Ernakulam — 682315.
4. Smt. Rajamma Emmanuel, W/o Emmanuel Mathew, aged 64 years, Private Secretary (Retired), MES, Kochi, residing at Pulprayil House, Thalayolaparambu P.O., Kottayam District, Kerala-686605.
5. Shri. Gopala Krishna Pillai P.A, S/o Late Ayyappa Panicker, aged 69 years, Administrative Officer Grade II (Retired), MES, Kochi, residing at Carnic House, Milma Road, Kalleppulli Post, Palakkad-678005.
6. Shri. G. Venugopalakrishnan Nair, S/o Govindan Pillai, aged 68 years, Stenographer (Retired), MES, Kochi, residing at Chandra Vilas, Kezhoor P.O., Kottayam — 686605.
7. Smt. C.T Jalajamony, W/o C.P. Bharthan, aged 55 years, Stenographer, 0/0 the CWE (NVV) Kochi, Kataribagh, Naval Base P.O., Kochi — 682004, residing at SreeDeepam House, CMC-18, Cherthala P.O., Alappuzha
8. Shri. P.K. Balagopalan Nair, S/o Balakrishnana Nair aged UDC (now SAA) Retired, residing at AMRA-61, Sreerekha, Automobile Road, Palarivattom, Kochi — 682025.
9. V.P. Thankappan Nair, S/o Late PArameswaran Nair, aged 69 years, Retired UDC, MES, Kochi, residing at Preeth Bhavan, Mangaram, Konni - 689691.
10. Shri. Abraham P.V, S/O Varghese aged 58 years Stenographer, 0/0 the Chief Engineer (NW), Kataribagh, Naval Base P.O., Kochi — 682004. Residing at, Kochi.
- 11 . Smt. Prabhavathy Anilkumar, W/o Anilkumar, aged 55 years, Stenographer, 0/0 The Chief Engineer (Naval Works), Kataribagh, Naval Base P.O., Kochi — 682004. Residing at Ernakulam.

12. Shri. M. Sasidharan, S/o N. Madhavan aged 70 years Office Superintendent, MES, Kochi, residing at SS Nivas, Porunthamon, Pulimathu Post, Kilimanoor, Thiruvananthapuram — 695612.
13. Anitha, W/o Late K.Ravindran, aged 58 years, (Retired Administrative Officer, Grade II, MES), residing at Gokulam, Kozhuvalloor Post, Alappuzha — 689521.
14. Ajitha Suresh, W/o Late P.B.Sureshkumar, aged 50 years Ex LDC, MES, Kochi, residing at VaikkathuPuthenVeedu, Kunjattukara, Aluva, Edathala Post, Ernakulam — 683561

...Applicants

(By Advocate Ms.Jishamol Cleetus)

v e r s u s

1. Union of India represented by its Secretary
Government of India
Ministry of Defence, New Delhi – 110 001
2. The Engineer in Chief
Military Engineer Services
Engineer in Chief's Branch
Army Head Quarters, Kashmir House
DHQ Post, New Delhi – 110 011
3. The Chief Engineer
Military Engineer Services
Headquarters, Southern Command
Pune – 400 001
4. The Chief Engineer, HQ Central Command
P.O Dilkusha, Lucknow Cantt 226 002
5. The Chief Engineer (Naval Works)
Military Engineer Services
Naval Base P.O, Kochi – 682 004
6. The Director/CRO, Central Record Office (Officers)
Palam, Delhi Cantt- 110 010
7. The Principal Controller of Defence Accounts
No.618 Thenampatt, Chennai - 18

...Respondents

(By Advocate Mr.N.Anilkumar,SCGSC)

This application having been heard through video conference on 16th July 2020, this Tribunal on the same day delivered the following :

ORDER (ORAL)**HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER**

Applicants are aggrieved by the action of the respondents in not granting them the benefit of the MACP scheme which was on the basis of the recommendations of the 6th CPC which is to be extended with effect from 1st January 2006 and not from 1st September 2008 as per **2018 11 SCC 99 Union of India and Others v. Balbir Singh Turn** and another. They are also aggrieved by not granting them the grade pay of Rs.4600/-, Rs.4800/- and Rs.5400/- in terms of para 5 of Annexure 1 of MACP Rules of Government of India letter dated 19th May 2009. Hence they approached this Tribunal praying for the following reliefs:

*“(i) To direct the respondents to grant the applicants the benefits of MACP Scheme as recommended by the 6th CPC which is to be extended with effect from 1.1.2006 and not from 1.9.2008 as upheld by the Hon'ble Supreme Court in **Union of India v. Balbir Singh Turn**.*

(ii) To direct the respondents to grant the applicants the Grade Pay of Rs.4600/-, Rs.4800/- Rs.5400 in terms of para 5 of Annexure A1 of MACP Rules dated 19.5.2009.

(iii) Such other relief as may be prayed for and this Hon'ble Tribunal may deem fit to grant

(iv) Grant the cost of this Original Application.”

2. When the matter came up for consideration, it appears that Annexures A-6 to A 19 representations given by the applicants are still pending with the respondents. Learned counsel for the applicants submits that the

applicants will be satisfied if a direction is given to the respondents to consider the same and pass a reasoned and speaking order within a time frame. Learned counsel for the respondents submits that he has no objection for considering the same on merits.

3. In view of the limited submission, the Competent Authority is directed to consider the Annexures A-6 to A-19 representations of the applicants in the light of the decision rendered by the Hon'ble Supreme Court in **2018 11 SCC 99 *Union of India and Others v. Balbir Singh Turn*** and in the light of relevant rules and regulations on the subject and pass a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order.

4. **The Original Application is disposed of as above.** No costs.

K.V.EAPEN
ADMINISTRATIVE MEMBER

P.MADHAVAN
JUDICIAL MEMBER

List of Annexures

Annexure A-1 - True copy of the relevant portion of Annexure 1 of MACP Rules dated 19.5.2009

Annexure A-2 - True copy of the order dated 16.8.2017 in WP(C) 2649/2017 of the Hon'ble High Court of Delhi

Annexure A-3 - True copy of the order dated 15.10.2018 in **M.P Joseph v. Union of India** (WP No.1763/2013)

Annexure A-4 - True copy of the order dated 8.12.2017 in CA Diary No.3744 of 2016 and connected cases

Annexure A-5 - True copy of the DOPT vide letter DOP&T DY No.3505/CR/2009-ESTT(RR) dated 13.8.2009

Annexure A-6 - True copy of the representation dated 25/7/2018 submitted by the 1st applicant

Annexure A-7 - True copy of the representation dated 18/2/2019 submitted by the 2nd applicant

Annexure A-8 - True copy of the representation dated 29/12/2018 submitted by the 3rd applicant

Annexure A-9 - True copy of the representation dated 30/1/2019 submitted by the 4th applicant

Annexure A-10 - True copy of the representation dated 31/7/2018 submitted by the 5th applicant

Annexure A-11 - True copy of the representation dated 31/7/2018 submitted by the 6th applicant

Annexure A-12 - True copy of the representation dated 27/7/2018 submitted by the 7th applicant

Annexure A-13 - True copy of the representation dated 28.7.2018 submitted by the 8th applicant

Annexure A-14 - True copy of the representation dated 27.8.2018 submitted by the 9th applicant

Annexure A-15 - True copy of the representation dated 9/8/2018 submitted by the 10th applicant

Annexure A-16 - True copy of the representation dated 27/7/2018 submitted by the 11th applicant

Annexure A-17 - True copy of the representation dated 16/7/2018 submitted by the 12th applicant

Annexure A-18 - True copy of the representation dated 1/10/2018
submitted by the 13th applicant

Annexure A-19 - True copy of the representation dated 26/9/2018
submitted by the 14th applicant.

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