

IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.

CWP No. 14726 of 2015. [O&M]
Date of Decision: 04th August, 2015.

Union of India & Ors.

Petitioners through
Mr. Karan Bhardwaj, Advocate

Versus

Central Administrative Tribunal & Ors. Respondents.

**CORAM:HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B.BAJANTHRI**

- 1. Whether Reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

SURYA KANT, J. [ORAL]

Union of India and the Adjutant General, Integrated Headquarters etc. are aggrieved at the order dated 03.09.2014 passed by Central Administrative Tribunal, Chandigarh Bench directing them to re-compute the benefits under the ACP and MACP after counting the period of Combatant service rendered by respondents No. 2 and 3.

The solitary question that arose for consideration of the Tribunal as a result of the objection raised by the petitioners was whether or not the service rendered by respondents No. 2 and 3 as Combatants was to be counted towards ACP/MACP?

The Tribunal has answered this question in favour of the respondents on the strength of its earlier decision dated 11.03.2014 rendered in **OA No. 910/HR/2011**. Vide that decision, the Tribunal categorically held that the Combatant service deserves to be counted for these benefits.

The above cited order of the Tribunal further reveals that further reliance was placed on yet another earlier decision of the Principal Bench in **OA Nos. 2089 of 2008 and 3409 of 2011**. One of that order dated 01.05.2009 in **OA No. 2089 of 2008** is on record [A-4].

We have gone through the said order of the Tribunal which is founded upon the clarificatory instructions issued by the DOPT, in terms whereof the service rendered as Combatant followed by regular absorption is countable towards qualifying service for the purpose of granting ACP benefits.

Learned counsel for the petitioners was heard at length on 23.07.2015 and the case was adjourned to enable to find out the fate of Tribunal's order dated 11.03.2014 which is relied upon in the impugned order.

Though the petitioners have not properly briefed about the challenge, if any, laid to the order dated 11.03.2014, but we find from the order of the Principal Bench that the Combatant service followed by regular absorption is being counted for the purpose of granting ACP/MACP. For that reason alone, the order passed by the Tribunal calls for no interference.

Dismissed.

(SURYA KANT)
JUDGE

August 04, 2015.
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(P.B.BAJANTHRI)
JUDGE