

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE T.V.THAMILSELVI

W.P.No.10512 of 2021

L.Kumaraguru

... Petitioner

Vs

1.Union of India,
Rep by the Additional Director General of Movements,
Director General of Operational Logistics and SM,
General Staff Branch, Integrated HQ of MOD (Army),
New Delhi - 110 011.

2.The Embarkation Commandant,
Embarkation HQ,
Chennai - 600 009.

3.The Garrison Engineer,
Military Engineer Services,
Avadi, Chennai - 600 054.

4.The Controller of Defence Accounts,
Teynampet,
Chennai - 600 018.

5.The Secretary to Government,
Department of Personnel and Training,
Ministry of Personnel, Public Grievances and Pensions,
North Block, New Delhi - 110 001.

6.The Registrar,
Central Administrative Tribunal,
Chennai - 600 104.

... Respondents

Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, directing the 6th
respondent to dispose of the Original Application No.1101 of
2019 pending before the 6th respondent Tribunal within a time
frame to be stipulated by this Court.

For Petitioner : M/s.K.Nithyashree

For Respondents : Mr.N.Ramesh

ORDER

(Order of the Court was passed by N.KIRUBAKARAN, J)

The matter was heard through "Video Conference".

2.The petitioner was appointed as a Casual Labourer and subsequently regularized on 09.08.1990. Though, there are earlier proceedings, the petitioner has filed O.A.No.1101 of 2019 before the 6th respondent/Tribunal, seeking following reliefs:

(i)to call for records relating to Special Part II order dated 31.12.2018 issued by the 3rd respondent and quash the same in so far as the failure to grant financial upgradations under ACP and MACP Scheme by reckoning the entire casual service of the Applicant under the Grant of Temporary Status and Regularisation Scheme and OM dated 09.08.1990 and revise and re-fix the pay and pension of the Applicant accordingly and for denial of arrears of pay and allowances and pension, till date, upon such re-fixation and;

(ii)to consequently direct the respondents to revise and re-fix the pay of the Applicant by granting I, II and III financial upgradations under the MACP Scheme to the grade pay of Rs.1,900/-, Rs.2,000/-, Rs.2,400/- w.e.f. 01.09.2008, 01.09.2008 and 13.09.2014 by reckoning the entire service of the Applicant in terms of Grant of Temporary Status and Regularisation Scheme and OM dated 09.05.2008 and was done in the case of several similarly placed persons, with all consequential benefits including arrears of pay and allowances;

(iii) to award costs, and pass such further and other orders as may be deemed ad proper and thus render justice.

Since O.A.No.1101 of 2019 is pending before the Tribunal, without disposal, the petitioner has come before this Court.

3.Heard Ms.K.Nithyashree, learned counsel appearing for the petitioner and Mr.N.Ramesh, learned counsel appearing for the respondents.

4.It is evident from the representation made by the learned counsel appearing on behalf of the respondents that the respondents have not filed their counter affidavit before the Tribunal and therefore, it is appropriate to direct the respondents to file their counter affidavit within a period of two weeks from the date of receipt of a copy of this order, to proceed further before the Tribunal.

5.Taking into consideration the prevailing pandemic situation, this Court expects the Tribunal to dispose the

matter within a period of six months from the date of receipt of a copy of counter affidavit.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

ub

To

1. The Additional Director General of Movements,
Union of India,
Director General of Operational Logistics and SM,
General Staff Branch, Integrated HQ of MOD (Army),
New Delhi - 110 011.

2. The Embarkation Commandant,
Embarkation HQ,
Chennai - 600 009.

3. The Commander Works Engineer,
7, Pallavan Salai, Chennai - 600 002.

4. The Garrison Engineer,
Military Engineer Services,
Avadi, Chennai - 600 054.

5. The Controller of Defence Accounts,
Teynampet,
Chennai - 600 018.

6. The Secretary to Government,
Department of Personnel and Training,
Ministry of Personnel, Public Grievances and Pensions,
North Block, New Delhi - 110 001.

7. The Registrar,
Central Administrative Tribunal,
Chennai - 600 104.

+1cc to M/s.K.Nithyashree, Advocate SR.No.26034

W.P.Nos.10511 and 10512 of 2021

RGN (CO)

GMV (08/07/2021)