

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Circuit Bench at Jabalpur.**

**Original Application No. 01 of 2012**

Monday the 11<sup>th</sup> day of May, 2015

**Hon'ble Mr. Justice Abdul Mateen, Member (J)**  
**Hon'ble Lt. Gen. A.M. Verma, Member (A)**

No.9509645A Havildar, Om Prakash(Retired), S/O Shri NP Patel aged about 48 years, Depot Company, Army Education Corps Training College & Centre, Pachmarhi, District- Hoshangabad (M.P.).

..... Applicant.

By Shri K.C. Ghildiyal, counsel for the applicant.

Versus

1. Union of India, through the Secretary, Ministry of Defence, Government of India, New Delhi.
2. Chief of Army Staff, Army Headquarters, DHQ Post Office, New Delhi.
3. The Officer-In-Charge, Army Education Corps Records, Pachmarhi, District – Hoshangabad (M.P.)
4. Pay Accounts Office (Other Ranks), Pachmarhi Cantt, District – Hoshangabad (M.P.)

..... Respondents.

By Shri D.K. Pandey, counsel for the respondents, along with Capt. Manisha Yadav, Departmental Representative.

**WITH**

**Original Application No. 02 of 2012**

No. 9512462P Havildar, Rajeeve Kumar KK,(Retired) S/O Shri Padmanabhan Nair K, aged about 38 years, Depot Company, Army Education Corps Training College & Centre, Pachmarhi, District – Hoshangabad (M.P.)

..... Applicant.

By Shri K.C. Ghildiyal, counsel for the applicant.

Versus

1. Union of India, through the Secretary, Ministry of Defence, Government of India, New Delhi.

2. Chief of Army Staff, Army Headquarters, DHQ Post Office, New Delhi.

3. The Officer-In-Charge, Army Education Corps Records, Pachmarhi, District – Hoshangabad (M.P.)

4. Pay Accounts Office (Other Ranks), Pachmarhi Cantt, District – Hoshangabad (M.P.)

..... Respondents.

By Shri D.K. Pandey, counsel for the respondents, along with Capt. Manisha Yadav, Departmental Representative.

**AND**

**Original Application No. 03 of 2012**

No. 9512557P Havildar, Kamal Jit Singh,(Retired) S/O Shri Ran Singh, aged about 38 years, Depot Company, Army Education Corps Training College & Centre, Pachmarhi, District – Hoshangabad (M.P.)

1. Union of India, through the Secretary, Ministry of Defence, Government of India, New Delhi.

2. Chief of Army Staff, Army Headquarters, DHQ Post Office, New Delhi.

3. The Officer-In-Charge, Army Education Corps Records, Pachmarhi, District – Hoshangabad (M.P.)

4. Pay Accounts Office (Other Ranks), Pachmarhi Cantt, District – Hoshangabad (M.P.)

..... Respondents.

By Shri D.K. Pandey, counsel for the respondents, along with Capt. Manisha Yadav, Departmental Representative.

**AND**

**Original Application No. 04 of 2012**

No. 9512013A Havildar, Sukhjit Singh,(Retired) S/O Shri Gurmukh Singh, aged about 43 years, Depot Company, Army Education Corps Training College & Centre, Pachmarhi, District – Hoshangabad (M.P.)

..... Applicant.

By Shri K.C. Ghildiyal, counsel for the applicant.

Versus

2. Union of India, through the Secretary, Ministry of Defence, Government of India, New Delhi.

2. Chief of Army Staff, Army Headquarters, DHQ Post Office, New Delhi.

3. The Officer-In-Charge, Army Education Corps Records, Pachmarhi, District – Hoshangabad (M.P.)

4. Pay Accounts Office (Other Ranks), Pachmarhi Cantt, District – Hoshangabad (M.P.)

..... Respondents.

By Shri Shri Bhanu Pratap Chauhan, counsel for the respondents, along with Capt. Manisha Yadav, Departmental Representative.

**ORDER**

1. Since the facts and circumstances of these four Original Applications are similar to each other and common question of law

are involved therein, they have been heard together and are being decided with this common order.

2. Heard learned counsel for the parties.

3. In all these O.As. the applicants, who were appointed as Havildar at the initial stage, served the Indian Army and rendered pensionable service on the same post before they were retired from the Army. Their grievance is that during their entire period of service, since they had not been granted any promotion, they are entitled the benefit of MACP Scheme, which ought to have been granted to them after completing their respective 8 years, 16 years and 24 years' of service, as the case may be. It is also the case of the applicant that they had, at the initial stage, gave their unwillingness for promotion but before the promotion could be denied to them, they withdrew their unwillingness. In any case, the submission is that at least the applicants are entitled to the benefit of MACP Scheme for the post of Havildar as they were discharged on 31.12.2011 from the post of Havildar on which they were initially appointed. Therefore, according to the applicants, they have been denied their valuable right, conferred on them by the Government of India's policy, annexed as Annexure 'A-2' to the counter affidavit dated 19.5.2009, and their cases was required to be dealt with in accordance with the policy laid down by the respondents, vide policy dated 13.6.2003.

4. Learned counsel for the applicant further submits that not providing the benefit of MACP Scheme to the applicants goes to indicate stagnation of a person on the one and same post continuously after the date of appointment till the date of discharge on 31.12.2011.

5. Learned counsel for the applicant confined his prayer to the extent that the respondents be directed to consider the case of the applicants taking into consideration MACP Scheme and the applicants be granted the benefit in accordance thereto after completion of their 8 years, 16 years and 24 years of service, as the case may be.

6. Since the question seems to be short in nature, as such with the consent of the parties, all these four Original Applications are being disposed of finally with the direction to the respondents to consider the case of the applicants, who have already been discharged from their services on 31.12.2011 in view of the policy dated 13.6.2003, ignoring the unwillingness submitted by the applicants for undergoing promotional course of Nb/Sub, provided that the applicants moves fresh representation to the competent authority within a period of three weeks from today along with copy of this order with reasoned and speaking order.

(Lt. Gen. A.M. Verma)  
Member (A)

(Justice Abdul Mateen)  
Member (J)

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