

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2**Original Application No. 376 of 2012**Monday the 17th day of August 2015

“Hon’ble Mr. Justice Abdul Mateen, Member (J)
 Hon’ble Lt. Gen. A.M. Verma, Member (A)”

No. 9513032X Hav/Clk (SD) Priyadarsan Pradhan Qtr. No. 120/7, 16
 Quarters Kiran Colony, AEC Records, P.O. _ Pachmarhi, Distt –
 Hoshngabad, PIN – 461881 (M.P.)

..... Petitioner

Applicant in Person.

Versus

1. Union of India through Secretary, Ministry of Defence, South Block,
 New Delhi – 11.
2. Addl Dte Gen of Personnel Services Adjutant General’s Branch,
 Integrated HQ of MoD(Army), B Wing, Sena Bhawan, DHQ PO-
 New Delhi – 11.

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Respondents

By Mrs. Deepti Prasad Bajpai, Standing Counsel along with Capt.
 Ridhishri Sharma, Departmental Representative.

WITH

Original Application No. 232 of 2013

No. 9513032X Hav/Clk (SD) Priyadarsan Pradhan Qtr. No. 120/7, 16
 Quarters Kiran Colony, AEC Records, P.O. _ Pachmarhi, Distt –
 Hoshngabad, PIN – 461881 (M.P.)

..... Petitioner

Applicant in Person.

Versus

1. Union of India through Government of India , Ministry of Personnel, PG & Pensions Department of Personnel & Training North Block, New Delhi -11.
2. Ministry of Defence (AG-II) Room No. 106, 'B' Wing, Sena Bhawan, New Delhi - 11.
3. Standing Army Pay Commission Section Addl Dte Gen of Personnel Services Adjutant General's Branch, Integrated HQ of MoD (Army), Sena Bhawan, New Delhi – 11.

..... Respondents

By Mrs. Deepti Prasad Bajpai, Standing Counsel along with Capt. Ridhishri Sharma, Departmental Representative.

AND

Original Application No. 233 of 2013

No. 9513032X Hav/Clk (SD) Priyadarsan Pradhan Qtr. No. 120/7, 16 Quarters Kiran Colony, AEC Records, P.O. _ Pachmarhi, Distt – Hoshngabad, PIN – 461881 (M.P.)

..... Petitioner

Applicant in Person.

Versus

1. Union of India through Government of India , Ministry of Personnel, PG & Pensions Department of Personnel & Training North Block, New Delhi -11.
2. Ministry of Defence (AG-II) Room No. 106, 'B' Wing, Sena Bhawan, New Delhi - 11.
3. Standing Army Pay Commission Section Addl Dte Gen of Personnel Services Adjutant General's Branch, Integrated HQ of MoD (Army), Sena Bhawan, New Delhi – 11.

..... Respondents

By Mrs. Deepti Prasad Bajpai, Standing Counsel along with Capt. Ridhishri Sharma, Departmental Representative.

AND

Original Application No. 234 of 2013

No. 9513032X Hav/Clk (SD) Priyadarsan Pradhan Qtr. No. 120/7, 16 Quarters Kiran Colony, AEC Records, P.O. _ Pachmarhi, Distt – Hoshngabad, PIN – 461881 (M.P.)

..... Petitioner

Applicant in Person.

Versus

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi – 11.
2. Ministry of Defence (D Pay/Service), Room No. 103, ‘B’ Wing, Sena Bhawan, New Delhi – 11.
3. Pay Account Office (Other Rank), PAO (OR), Army Educational Corps (AEC), P.O. – Pachmarhi, Distt. – Hoshngabad, PIN-461 881(M.P.)

..... Respondents

By Mrs. Deepti Prasad Bajpai, Standing Counsel along with Capt. Ridhishri Sharma, Departmental Representative.

AND

Transferred Application No. 50 of 2012

No. 9513032X Hav/Clk (SD) Priyadarsan Pradhan Qtr. No. 120/7, 16 Quarters Kiran Colony, AEC Records, P.O. _ Pachmarhi, Distt – Hoshngabad, PIN – 461881 (M.P.)

..... Petitioner

Applicant in Person.

Versus

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi – 11.
2. Addl Dte Gen of Personnel Services Adjutant General’s Branch, Integrated HQ of MoD(Army), B Wing, Sena Bhawan, DHQ PO- New Delhi – 11.

..... Respondents

By Mrs. Deepti Prasad Bajpai, Standing Counsel along with Capt. Ridhishri Sharma, Departmental Representative.

AND

Transferred Application No. 52 of 2012

No. 9513032X Hav/Clk (SD) Priyadarsan Pradhan Qtr. No. 120/7, 16 Quarters Kiran Colony, AEC Records, P.O. _ Pachmarhi, Distt – Hoshngabad, PIN – 461881 (M.P.)

..... Petitioner

Applicant in Person.

Versus

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi – 11.
2. Addl Dte Gen of Personnel Services Adjutant General's Branch, Integrated HQ of MoD(Army), B Wing, Sena Bhawan, DHQ PO- New Delhi – 11.

.....Respondents

By Mrs. Deepti Prasad Bajpai, Standing Counsel along with Capt. Ridhishri Sharma, Departmental Representative.

ORDER

1. On call of the case the applicant appeared in person.
2. Heard learned counsel for the parties.
3. We have also gone through the record of the aforementioned Original as well as Transferred Application.

4. These cases have been transferred from the Principal Bench of this Tribunal and in pursuance of the order of the Hon'ble H.O.D., these cases have been listed before this Bench and are being taken up and decided together.

5. The applicant, happens to be Havildar in the Indian Army, has approached this Tribunal with the prayer that the respondents be directed to:-

(i) set up Assured Career Progression (called 'ACP' for short) as recommended by the Vth Central Pay Commission (called 'CPC' for brevity) as per guidelines issued by the Ministry of Personnel & Public Grievances and Pension (for short called the 'DOPT') letter No. 35034/1/97-Estt(D), dated 9.9.1999.

(ii) to grant three financial upgradation under Modified Assured Career Progression Scheme to Direct Entry Sepoy at intervals of 5, 10 and 15 years of service.

(iii) to allot Government accommodation according to/linked to pay drawn under MACP Scheme, provided by the respondents.

(iv) to grant equal rank status and pay & allowances to JCO at par with Gazetted Group B Officers as accepted by Government of India, Ministry of Defence vide Para 4 of the Gazette Notification No.2(E), dated 30.8.200.

(v) to fix the minimum pay in pay band of a Sepoy to be fixed at Rs.6840/- for all trade groups as it is more beneficiary as fixed at Appendix F to Para 9 (a) (iii) of SAI 1/S/2008.

(vi) to step up the basic pay of a Sepoy, who enrolled prior to 1.1.2006 with one increment for every year of qualifying service to make a difference between Senior and Junior.

(vii) to upgrade the applicant's pay group from Combatant Group 'Y' to Combatant Group 'X' as the applicant acquired Diploma Qualification (Diploma in Office Administration) in the applicant's trade in service.

(viii) to grant intake rank of Clerks in Indian Army as Naik so as to Fundamental Rights, Rights to Equity of Clerks of Indian Army be restored and the rank status of Clerks in Indian Army, Central Armed Police Force and Civil can be equalized.

6. Since in toto, the outcome of the prayers made by the applicant seems to be implementation of the policy matter by the Ministry of Defence which rightly, as prayed by the applicant, can very well be resolved by making representation in this respect to the authority concerned for aforesaid eight grievances.

7. The applicant prayed that aforesaid grievances can very well be dealt with by respondents if directions issued to them that if the applicant move the representation for rendering the aforesaid grievances, the same be decided at an early date.

8. We also find that it will be appropriate to direct the applicant to approach the respondents for rendering his aforesaid grievances.

9. We, while going through the record of these Original & Transferred Applications, find that the applicant should make a composite and detailed representation, raising all the grievances, before the Ministry of Defence, Government of India, New Delhi.

10. Accordingly, it is hereby directed that if the applicant prefers a composite and detailed representation within two months from today before the Ministry of Defence, Government of India, New Delhi, raising all the aforesaid grievances then respondent no. 1 shall consider and decide the representation of the applicant with reasoned, speaking and detailed order within six months from the date of receipt of such representation.

11. With the aforesaid observation all the aforementioned Original and Transferred Applications are disposed of finally, without any order as to costs.

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

(Justice Abdul Mateen)
Member (J)

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