

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

23.

T. A. No. 252 of 2010

Writ Petition (Civil) No. 483 of 2009

Vivek Kumar. Singhal & Ors.

.....Petitioners

Versus

Union of India & Ors.

.....Respondents

For petitioner: Sh. M.K. Bhardwaj, Advocate.

For respondents: Sh. Satya Saharawat, Advocate.

CORAM:

HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.

HON'BLE LT. GEN. S.S.DHILLON, MEMBER.

ORDER

13.10.2011

1. Petitioners by this petition has prayed that the instruction dated 15th October 1998 to the extent Direct Entry JCO are denied third up-gradation under ACP Scheme may be quashed and Respondents may be directed to grant third up-gradation to the Petitioners in grade of Rs. 15,600-39,100 (PB-3) with all consequential benefits including arrears of pay.
2. Learned counsel for the Petitioners has invited our attention to a recent decision of the Government dated 13th June 2011 in which direct entry Nb. Sub. have been granted first MACP to grade pay Rs. 4,600/- second MACP to grade pay Rs.4,800/- and third MACP to grade pay Rs. 5,400/- in PB-2. Learned counsel for the Petitioners submits that though he has been granted the benefit which has been prayed by him in the petition but they have mentioned it PB-2 whereas according to him it should be PB-3 as per the revised pay structure (for Junior Commissioned

Officers including Honorary Commissioned Officers/non-commissioned Officers and the other ranks of the regular Army/DISCHARGED/TA. There is no such specific prayer in this petition whether it should be PB-2 or PB-3. Obviously it could not have been because the Order dated 13th June 2011 has been issued recently. Be that as it may, the authorities may examine whether Rs.5,400/- will fall in PB-2 or PB-3 and if it falls in PB-3 then they may make necessary correction in the order in accordance with law.

3. The petition is disposed of accordingly with no order as to costs.

A.K. MATHUR
(Chairperson)

S.S. DHILLON
(Member)

New Delhi
October 13, 2011
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