

COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

5.

OA 1309/2018

Ex Nk Suryakant Bisht & Ors. Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. VS Kadian, Advocate
For Respondents : Mr. Anil Gautam, Sr CGSC
Mr. R.S. Chillar, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER
01.04.2025

Vide the present OA 1309/2018, the 11 applicants made
the following prayers:-

*"(a) Quash and set aside the impugned letters No.
8430908/NE(DP)/Pen-I dated 28.03.2018 and No.
28.03.2018 and No. 2856/NE(DP)/Pen-I dated 30.04.2018.*

And/or

*(b) Direct respondents to fix service pension and retiral
benefits of the applicants of the rank of Naib Subedar by
granting benefit of 3rd MACP scheme and to pay the due
arrears with interest @12% p.a. And/or*

*(c) Any other relief which the Hon'ble Tribunal may deem
fit and proper in the fact and circumstances of the case."*

2. During the proceedings dated 11.03.2025, on behalf of the
respondents it was submitted that all the applicants at serial Nos.
1-11 in the OA have been granted the MACP benefits. It is now

submitted by the respondents that these are the MACP-III benefits. A submission is however made on behalf of the respondents that as regards applicant No. 2 Ex Nk Pramod Kumar Singh (Army No. 8430896M), the said applicant had non-qualifying service whilst in service due to disciplinary reasons and is not eligible for the grant of MACP as per existing provisions. On behalf of the respondents has also been submitted a letter dated 16.07.2024 along with the copies of the PPO *qua* the other 10 applicants along with the letter dated 11.08.2021 which reads to the effect:-

"3. It is also submitted that the relief sought by applicants (less second applicant) for grant of MACP-III (Nb Sub Grade) have already been processed by APS Records consequent on issue of instructions/policy in connection with grant of MACP vide Min of Defence, Department of Military Affairs vide letter No. 14(1)/99-D(AG) dated 11 Aug 2021 (copy encl). Revised PPOs to this effect have also been issued by PCDA (Pension), Allahabad accordingly (copies of PPO enclosed). Since the second applicant was having Non Qualifying Service (NQS) while in service due to disciplinary reasons, he is not eligible for grant of MACP-III as per the existing provisions."

3. In view of the submission that has been made on behalf of the respondents that the applicant Nos. 1 and 3-11 have been granted the MACP-III benefits which apparently they are all entitled to in view of the order dated 19.05.2015 in OA 1641/2023 of the Full Bench of this Tribunal in *Banarasi Das vs. Union of India & Ors.* of the AFT Chandigarh, Regional Bench,

at Chandi Mandir, the prayers made by applicant Nos. 1 and 3-11 are disposed of accordingly.

4. As regards the applicant No. 2 learned counsel for the applicant submits that he would seek redressal in accordance with law in relation to applicant no. 2 and seeks liberty therefore, in as much as in the averments made in the counter affidavit that the respondents had filed on 30.11.2018, there was no averment in relation to applicant No. 2 being not entitled to the grant of 3rd MACP due to any non-qualifying length of service, it is apparent that the prayer made by the applicant No. 2 seeking liberty to seek redressal afresh in accordance with law as essentially to be granted. In view thereof qua applicant No. 2, the OA is dismissed as withdrawn with liberty granted as prayed.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(LT GEN C.P. MOHANTY)
MEMBER (A)

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