

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

C.P.No.62/2019 in O.A.No. 39/2019

Dated Monday, the 11th day of November, 2019

PRESENT

Hon'ble Mr.P.Madhavan, Judicial Member

&

Hon'ble Mr.T.Jacob, Administrative Member

S. Rajendran
MES – 136783
No. 4-A, Dr. Ramadoss Street
Govarthangiri, Chennai – 600 071. ...Applicant

By Advocate M/s R.S. Anandan

Vs

1. Maj. Gen TSP Rawat AVSM, VSM
The Chief Engineer
Headquarter
Southern Command
Pune – 411 001.

2. Col. Punithjain
Commander Works Engineers
Pallavan Salai
Chennai – 600 002.

3. Major. Rahul Kumar
Garrison Engineer
Military Engineering Services
IAF Post, Muthapudupet
Avadi, Chennai – 55. ...Respondents

By Advocate Mr. Su. Srinivasan

(Order: Pronounced by Hon'ble Mr.P.Madhavan, Member(J))

This Contempt Petition has been filed by the applicant in OA 39/2019 seeking to punish the first respondent for willful disobedience to pass a speaking order as per direction in OA 39/2019.

2. The respondents appeared through their counsel and filed a short reply affidavit stating that they had already passed speaking order on 07.09.2019 clearly narrating the reasons for denying the benefit of 3rd MACP and that there is no contempt committed by the respondents in this case. Contempt Petitioner would submit that as per earlier order of this Tribunal the respondents were directed to pass a speaking order on the basis of the representation filed by him within a period of 3 months thereafter. According to him, the respondents had denied the 3rd MACP benefit to him stating that he has not obtained the benchmark for granting 3rd MACP. According to the petitioner, he was not informed about the adverse remarks in the ACR and it is settled law that if there is any adverse remarks he should be communicated about the same. Eventhough he has mentioned all these facts in the representation, the respondents had not considered the same in detail and they had not passed a speaking order as desired by the Tribunal.

3. We have perused the reply filed by the respondents and had also gone through the speaking order passed by the respondents dated 07.09.2019. On perusal of the said order dated 07.09.2019 it is clearly

mentioned that the Government has upgraded the Benchmark required for an employee from "Good" to "Very Good" and therefore the Committee has not recommended the applicant's name for granting the 3rd MACP as claimed by him. The upgrading of Benchmark has come into force from the year 2016 onwards and it is only because of that the applicant could not be granted the 3rd MACP. The APAR grading is one of the major eligibility condition for granting of financial upgradation under MACP. They also mentioned in the reply filed in this petition that the petitioner was denied the MACP only due to the upgrading of Benchmark of "Very Good". The applicant has got only Good during that period. The grading of "Good" is not considered as an adverse remark but owing to the Benchmark fixed for MACP scheme this has happened.

4. We find that the respondents had given a reasoned and speaking order on the representation filed by the applicant as directed by the Tribunal. We find no contempt committed by the respondents in this case. Accordingly there is no merit in the contempt petition and it is dismissed. Notices of contempt will stand discharged.

**(T.JACOB)
MEMBER (A)
AS**

11.11.2019

**(P.MADHAVAN)
MEMBER (J)**