

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00135/2017

Thursday, this the 31st day of May, 2018

CORAM:

**Hon'ble Mr. U. Sarathchandran, Judicial Member
Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member**

M.R. Pushpan,
Aged 63 years, S/o. M.V. Raghavan,
(Retd. Senior Gate Keeper, Southern Railway, Changanacherry),
Residing at Nadaparambil House, South Pampady P.O.,
Kuttickal, Kottayam – 686 521. **Applicant**

(By Advocate – M/s. Varkey & Martin)

V e r s u s

1	General Manager, Southern Railway, Chennai – 3.	
2	Senior Divisional Personnel Officer, Southern Railway, Trivandrum Division, Trivandrum – 695 014. Respondents

(By Advocate – Mr. Sunil Jacob Jose)

This Original Application having been heard on 31.05.2018, the Tribunal on the same day delivered the following:

O R D E R (Oral)

Per: U. Sarathchandran, Judicial Member

1. The applicant has approached this Tribunal being aggrieved by the non-granting of 3rd MACP on completion of 30th year of his service. It is seen from the reply statement that the applicant was undergoing a punishment of withholding of increments for a period of three years w.e.f. 01.07.2011 and the penalty was continuing till his retirement i.e., on 31.05.2013. It is also stated by the respondents that vide Annexure R1 and Annexure R2 orders the penalty imposed on him was cancelled and that he

was granted the 3rd MACP w.e.f. 11.07.2011.

2. Now the short question to be considered is whether the claim of the applicant to enjoy the 3rd MACP w.e.f. 23.10.2008 onwards is to be allowed or not. This is a matter which remains within the domain of the respondent authority to consider. We, therefore, permit the applicant to file a detailed representation to respondent No. 2, who shall consider the same. If the representation is received within one month from today a decision thereon shall be taken within two months from the date of receipt of such representation. If the applicant makes representation regarding the increments which were withheld as part of the penal action and since cancelled, the same shall also be considered by the respondent No. 2 while taking a decision. The OA is disposed of. No costs.

**(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER**

**(U.SARATHCHANDRAN)
JUDICIAL MEMBER**

Yd

List of Annexures of the Applicant

Annexure A-1 - True copy of the service certificate No. nil/2006-07 dated 31.05.2013.

Annexure A-2 - True copy of the PPO No. 0604209934 dated 30.05.2013.

Annexure A-3 - True copy of the representation dated 07.12.2015 submitted by the applicant.

List of Annexures of the Respondents

Annexure - R1 - Photocopy of the Memorandum No. V/P.534/I/MACP/PW/ERS dated 14.11.2017.

Annexure - R2 - Photocopy of the revised Pension Payment Order.
