

**Central Administrative Tribunal  
Madras Bench**

**OA/310/00469/2018**

**Dated Monday the 9<sup>th</sup> day of April Two Thousand Eighteen**

**P R E S E N T**

**Hon'ble Mr. R.Ramanujam, Member(A)**

T.Somasundaram,  
Senior Section Engineer,  
(Design & Drawing),  
Southern Railway,  
Tiruchchirappalli. .. Applicant

By Advocate **M/s.R.Pandian**

**Vs.**

1. The General Manager,  
Southern Railway,  
Park Town,  
Chennai 600 003.
2. The Divisional Personnel Officer,  
Southern Railway,  
Tiruchchirappalli Division,  
Tiruchchirappalli 620 001. .. Respondents

By Advocate **Mr.P.Srinivasan**

**ORAL ORDER**

Pronounced by Hon'ble Mr.R.Ramanujam, Member(A)

Heard. The applicant has filed this OA seeking the following reliefs:-

“to call for the records relating to the withdrawal of benefits of I-ACP in scale Rs.5500-9000 earlier granted to the applicant w.e.f. 26.2.2000 and later withdrawn vide No.T/P.535/I/EA/MACP dated 23.4.2015, the representation submitted by the applicant dated 22.12.2016 and further

to direct the 2<sup>nd</sup> respondent to dispose of the representation of the applicant dated 22.12.2016; and

to pass such other order/orders as this Hon'ble Tribunal may deem fit and proper and thus to render justice.”

2. Learned counsel for the applicant submits that the applicant joined as Draughtsman in the year 1986 in the Southern Railway. He was granted 1<sup>st</sup> ACP benefits in the year 2000 and thereafter 2<sup>nd</sup> MACP and 3<sup>rd</sup> MACP in 2008 in PB-2 with GP 4200 and PB-2 with GP 4800 respectively. However, by a letter dated 23.4.2015, the 2<sup>nd</sup> respondent withdrew the 3<sup>rd</sup> MACP benefit granted to the applicant. His pay was also re-fixed retrospectively from 2000, withdrawing the 1<sup>st</sup> ACP benefit by erroneously applying the Railway Board's letter dated 18.5.2010 without prior intimation.

3. It is further submitted that earlier the applicant had, alongwith others filed OA 702/2015 for restoration of the financial upgradation granted under MACP scheme which was partially allowed by order dated 16.12.2016 by quashing the order of recovery dated 29.10.2015. However, the grievance regarding withdrawal

of financial upgradation under ACP was not dealt with by this Tribunal, it is contended. Therefore, the applicant made Annexure A3 representation dated 22.12.2016 to the respondents for restoration of ACP granted already w.e.f. the date it was originally granted ie., from 01.10.1999. The said representation is still pending. It is submitted that the applicant would be satisfied if the competent authority is directed to consider it in accordance with law and pass a reasoned and speaking order within a time limit prescribed by this Tribunal.

4. Mr.P.Srinivasan takes notice for the respondents.

5. Keeping in view the limited relief sought and without going into the substantive merits of the claim, the competent authority is directed to consider Annexure A3 representation dated 22.12.2016 of the applicant in accordance with law, the relevant rules and the provisions of ACP/MACP scheme and pass a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order.

6. OA is disposed of with the above direction at the admission stage.

(R.Ramanujam)  
Member(A)  
09.04.2018

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