

**Central Administrative Tribunal
Madras Bench**

OA/310/00643/2018

Dated Thursday the 7th day of June Two Thousand Eighteen

P R E S E N T

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

F. Lawrence
Rtd. Khalasi Helper
No. 1454 Pillaimangar
Eda Street
Trichy 620 008.

.. Applicant

By Advocate **M/s. Ratio Legis**

Vs.

1. Union of India, rep. by
The General Manager
Southern Railway
Park Town, Chennai – 600 003.

2. The Sr. Divisional Personnel Officer
Chennai Division
Southern Railway
Chennai.

... Respondents

By Advocte **Mr. P. Srinivasan**

ORAL ORDER

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

Heard both sides. The applicant has filed this OA seeking the following relief:-

“To call for the records related to the impugned orders No. T/P.524/IV/C&W/Fixation dated 04.08.2010 and No. T/P500/64/PD/MTPA/2015 dated 02.07.2015 and to quash the same and further to direct the respondents to restore applicants' basic pay by restoring the MACP orders as ACP and re-determine the consequential retirement benefits with admissible interest and to pass such other order/orders”

2. It is submitted that the applicant made a representation to the Mid Term Pension Adalat regarding payment of DCRG which involved a dispute with regard to 3rd financial upgradation benefits under MACP and for refund of an amount of Rs. 21,233/- recovered from the settlement dues on account of alleged excess payment due to an erroneous pay fixation earlier. A reply dated 02.07.2015 was received informing the applicant that he was not entitled to 3rd financial upgradation benefits under MACP and as such over payment of Rs. 21,233/- was recovered from settlement dues. His request for refund of recovered amount was not feasible. Aggrieved by the said order the applicant has filed this OA.

3. It is seen that the applicant has challenged the communication dated 02.07.2015 without explaining the reasons why he took no action to attend the Mid

Term Pension Adalat scheduled to be held on 10.07.2015 in Trichy for which he was given an option in the impugned communication itself. It is submitted that due to various personal reasons the applicant was unable to attend the Mid Term Pension Adalat and was not able to take up the matter further. However, the applicant would be satisfied if he is permitted to make a comprehensive representation regarding his claim and the respondents directed to consider the same in accordance with law within a time limit to be specified by the Tribunal.

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

5. Keeping in view the limited relief sought and without going into the merits of the case, the applicant is permitted to submit a comprehensive representation regarding his grievance to the competent authority within two weeks from the date of receipt of copy of this order. The respondents are directed to consider such representation within a period of three months thereafter.

6. OA is disposed of at the admission stage.

(R.Ramanujam)
Member(A)
07.06.2018

AS