

**Central Administrative Tribunal
Madras Bench**

MA 310/00352/2018 & OA 310/00894/2018

Dated Thursday the 12th day of July Two Thousand Eighteen

P R E S E N T

**Hon'ble Shri. R.Ramanujam, Member(A)
&
Hon'ble Shri. P. Madhavan, Member (J)**

1. G. Mohan
2. B. Chandrasekaran
3. D. Sankaranarayanan .. Applicants

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

Vs.

1. Union of India
Rep. by the Deputy Director General (Stores)
Directorate General of Health Services
(Medical Stores Organisation)
West Block No. 1, Wing No. 6
R.K. Puram, New Delhi – 110 066.

2. The Deputy Director Admn. (MSO)
O/o. Directorate General of Health Services
(Medical Stores Organisation)
West Block No. 1, Wing No. 6
R.K. Puram, New Delhi – 110 066.

3. The Deputy Assistant Director General (MS)
Govt. Medical Store Depot
No. 37, Naval Hospital Road
Periamet, Chennai 600 003. .. Respondents

By Advocate **Mr. K. Rajendran**

ORAL ORDER

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

Heard. MA 352/2018 filed for joining the applicants together and filing single application is allowed.

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

“i. To call for the records of the 2nd respondent pertaining to his order which is made in File No. A. 32022/02/2017-St.I dated 23.04.2018 and the order of 3rd respondent made in No. Est./MACP/2014-15/831 to 833dated 25.05.2018 and set aside the same, consequent to;

ii. direct the respondents to grant ACP-II with official hierarchy pay of Rs. 5000-8000 with grade pay of Rs. 4200/- instead of MACP-II and further direct to grant MACP-III with grade pay of Rs. 4600/- also,

iii. direct the respondents to revise and re-fix the pay of the applicants and to pay the arrears of pay and allowances to them; and

iv. To pass such further or other orders”

3. It is submitted that the applicant had sought 2nd ACP benefit on completion of 24 years of service on 19.05.2009. However his request was rejected on the ground that the new MACP scheme was introduced w.e.f. 01.09.2008 and therefore the applicant would be covered by the same. The order of the Hon'ble High Court of Madras was for applicants therein and others could not be allowed to automatically benefit from the same.

4. Learned counsel for the applicant would submit that although the new scheme was introduced w.e.f. 01.09.2008, the relevant orders in this regard were issued only on 19.05.2009. However, before such date, the first, second and third

applicants had already completed 24 years of service on 27.02.2009, 19.02.2009, 29.03.2009 respectively. Accordingly the ratio of the Hon'ble High Court of Madras decision in WP Nos. 33946, 34602 and 27798/2014 was squarely applicable to the applicant's case. In passing the Annexure A14 impugned order dated 25.05.2018, the respondents have not followed the law laid down in similar matters and, therefore, the impugned order is liable to be set aside, it is urged.

5. Mr. K. Rajendran takes notice for the respondents and submits that at this stage it is not clear if the applicants were similarly placed. The respondents would be willing to reconsider their decision, if they are similarly placed.

6. Keeping in view the submission made and the law laid down by the Hon'ble Apex Court in this regard that every aggrieved person need not be driven to the Court to obtain separate orders once a judicial order is accepted by the Government in respect of similarly placed persons, it is directed that the competent authority shall reconsider the impugned order in the light of the facts and circumstances of each case and the applicability of the order of the Hon'ble High Court in the aforesaid case if the applicants are similarly placed and pass a reasoned and speaking order within a period of three months from the date of receipt of copy of this order.

7. OA is disposed of with the above direction.

(P. Madhavan)
Member (J)
AS

12.07.2018

(R.Ramanujam)
Member(A)