

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO. 170/00846/2016

DATED THIS THE 08TH DAY OF NOVEMBER, 2017

HON'BLE DR. K.B. SURESH, MEMBER (J)

HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (A)

1. Smt. Gayathri Ananth
W/o Shri Ananthram S.N.
Aged 64 years
Asst. Director (A&A) (Retd.),
NSSO, Central Silk Board
CSB Complex, BTM Layout
Madivala, Bangalore – 560 068
Residing at No. 31/1, 5th Cross,
NGR Layout, Rupena Agrahara,
Madivala Post, Bangalore – 560 068.

2. Shri Narasimha Murthy R.
S/o Rajeevalochana V.S.
Aged 52 years
Upper Division Clerk,
CSTRI, Central Silk Board,
CSB Complex, BTM Layout
Madivala, Bangalore – 560 068
Residing at No. 20, 1st Cross,
Krishnappa Layout,
Srinagar, Bangalore – 560 050.

3. Shri C. Muniyappa
Aged 56 years,
S/o Chikkapaiah
Upper Division Clerk,
Central Silk Board,
CSB Complex, BTM Layout
Madivala, Bangalore – 560 068
Residing at No. 24/1, 1st Main
Jaibheemanagar, Bangalore – 560 068.

4. Shri P. Shivakumar
S/o A. Papaiah,
Aged 52 years,

Upper Division Clerk,
CSTRI, Central Silk Board,
CSB Complex, BTM Layout
Madivala, Bangalore – 560 068
Residing at 168, Rajeev Gandhi Nagar
Laggere, Bangalore – 560 058.

5. Shri M. Harish
S/o M. Mariyappa
Aged 56 years,
Upper Division Clerk,
CSTRI, Central Silk Board,
CSB Complex, BTM Layout
Madivala, Bangalore – 560 068
Residing at No. 623, 16th Main
Manjunathnagar
Near Manjunatha Temple
West of Chord Road, Rajajinagar
Bangalore – 560 010.

6. Shri C.S. Shivarama
S/o Late C.N. Srikantaiah
Aged 56 years,
Upper Division Clerk,
CSR & TI, Central Silk Board,
Manandavadi Road
Srirampuram, Mysore – 570 008.
Residing at No. 172, C-Block,
Gnanaganga Housing Society
Srinagar, J.P. Nagar Post,
Mysore – 570 031.

7. Smt. E. Bharathi
D/o Late Anantha Rao L
Aged 51 years,
Upper Division Clerk,
CSR & TI, Central Silk Board,
Manandavadi Road
Srirampuram, Mysore – 570 008.
Residing at 1159/7,
2nd Cross, Milk Centre Road
Opp. NI College,
Mysore – 570 008.

8. Shri N.R. Rajashekar
S/o late N.C. Rachaiah
Aged 54 years
Upper Division Clerk,

CSR & TI, Central Silk Board,
Manandavadi Road
Srirampuram, Mysore – 570 008.
Res.: 9, Type-3, CSR&TI Staff Quarters
Vidyaranyaapuram,
Mysore – 570 008.

9. Shri M.N. Sathya Anantha Kumar
S/o late G.V.N. Gupta
Aged 50 years
Upper Division Clerk,
CSR & TI, Central Silk Board,
Manandavadi Road
Srirampuram, Mysore – 570 008.
Residing at No. 2,
Sudharshan Apartment
Vishweswaranagar,
Near Sindhoor Convention Hall
Mysore – 570 008.

10. Shri V. Rajashekara
S/o. Venkataramanappa
Aged 56 years
Upper Division Clerk,
NSSO, Central Silk Board
CSB Complex, BTM Layout
Madivala, Bangalore – 560 068
Res.: 561, 11th Cross,
J.P. Nagar 1st Phase
Sarakki, Bangalore – 560 078.

11. Shri V.N. Ramakrishna
S/o Late Venkateshappa
Aged 55 years
Upper Division Clerk,
CSTRI, Central Silk Board,
CSB Complex, BTM Layout
Madivala, Bangalore – 560 068
Residing at No. 22, Kalkere Main Road,
Near HDFC Bank, NRI Layout,
Ramamurthynagar,
Bangalore – 560 016.

12. Shri N. Mahadeva
S/o Nanjaiah
Aged 51 years,
Upper Division Clerk,
RSRS Central Silk Board,

Kodathi, Bangalore – 560 035
Residing at No. 457,
New Binny Layout
Bangalore – 560 023.

13. Shri Govinda Raju
S/o Venkataramanappa
Aged 50 years,
Upper Division Clerk,
SSTL, Central Silk Board,
Kodathi, Bangalore – 560 035
Residing at 34, Old No. 10/6,
1st A Main, Echchama Nayaka Road
Lakshmipuram,
Gavipuram Guttahalli
Bangalore – 560 019

14. Shri N. Vasuki
S/o D. Narasimha Iyengar
Aged 50 years
Upper Division Clerk,
Certification Centre,
Central Silk Board,
Okalipuram, Rajajinagar,
Bangalore – 560 068
Residing at No. 129, 7th B Main,
III Block, IV Stage, Basaveshwaranagar,
Bangalore – 560 079.

15. Shri J. M. Venugopal
S/o late Munisetty
Aged 59 years
Upper Division Clerk,
Central Silk Board,
CSB Complex, BTM Layout
Madivala, Bangalore – 560 068
Residing at No. 21/7, Ramareddy Building,
Opp. Srirama Temple, Mulluru Village,
Via Sarjapura Road,
Bangalore – 560 035.

16. Shri Shivalingaiah,
S/o Kulla Kariyanna
Aged 56 years,
Upper Division Clerk,
Central Silk Board,
CSB Complex, BTM Layout
Madivala, Bangalore – 560 068

Residing at No. 50, 1st Cross,
Nadamma Layut, IIMB Post,
Kodichikkanahalli, Bangalore – 56.

17. Shri P. Viswakumar
S/o Late C. Puttanna
Aged 66 years,
Senior Technical Assistant (SG) (Retd.)
SST, Central Silk Board,
Carmelram Post, Kodathi,
Bangalore – 560 035
Residing at No. 83,
CSB Layout, Kasavanahalli,
Carmelram Post,
Bangalore – 560 035.

18. Smt Meena S. Kamath
W/o Sri S. Murali
Aged 50 years
Senior Hindi Translator
Central Silk Board,
CSB Complex, BTM Layout
Madivala, Bangalore – 560 068
Residing at No. 161, CSB Layout
6th Cross, Kasavanahalli
Sarjapur Road,
Bangalore – 560 035.

19. Smt. B.A. Rajashree
W/o Varadaiah G.C
Aged 52 years
Upper Division Clerk,
Central Silk Board,
CSB Complex, BTM Layout
Madivala, Bangalore – 560 068
Residing at No 37, 8th Cross
Vasanthnagar,
Bangalore – 560 042.

20. Smt. V.K. Rama
W/o Reddappa Chetty
Aged 62 years
Upper Division Clerk (Retd.)
Central Silk Board,
CSB Complex, BTM Layout
Madivala, Bangalore – 560 068
Residing at No. 1014, 11th Main,
“Ramya Sadana” R.P.C. Layout

Hampinagar, Bangalore – 560 040.

21. Smt M. Shashikala
Aged 52 years
W/o Shri K.S. Ganesh Prasad
Upper Division Clerk,
SSPC, Central Silk Board,
Malavalli, Mandya
Residing at No. 131, 3rd Cross,
Siddalingeshwara Layout
J.P. Nagar, Mysore.

22. Shri Mirza Mahdi Baig
S/o Late Mirza Mohammed Sayeed
Aged 65 years
Asst. Director (Admn) (Retd.)
CSR & TI, Central Silk Board,
Manandavadi Road
Srirampuram, Mysore – 570 008.
Res.: 2122/A-1, Turab Ali Street
Mandi Mohalla, Mysore – 570 001.

23. Shri M. Siddamallappa
S/o Late Shri Mahalingappa
Aged 66 years,
Senior Technical Assistant (SG) (Retd.)
SSTL, Central Silk Board,
Carmelram Post, Kodathi
Bangalore – 560 035.
Residing at No. 188, 3rd Main,
3rd Stage, Vijayanagar 'D' Block,
Mysore – 570 017.

24. Shri G. Sivaraman
S/o V. Govindaraj
Aged 56 years
Upper Division Clerk,
NSSO, Central Silk Board,
CSB Complex, BTM Layout,
Madivala, Bangalore – 560 068
Residing at No. C/o. Nanjundegowda
128, 3rd Cross Road, Vijinapura,
Dooravaninagar Post,
Bangalore – 560 016.

25. Shri N. Gopalakrishna
S/o N. Nagarathnam
Aged 55 years

Worked as Driver (Retd.)
RSRS Central Silk Board,
Kodathi, Bangalore – 560 035
Residing at No. 117, 2nd Cross,
Vasthu Layout, Kudlu
Bangalore – 560 068.

26. Smt. S. Lakshmikanthamma
W/o K.R. Srinivasa
Aged 55 years,
Upper Division Clerk,
NSSO, Central Silk Board,
CSB Complex, BTM Layout,
Madivala, Bangalore – 560 068
Residing at No. 80, BSK III Stage
II Phase, IV Block, 6th Main
Bangalore – 560 085.

27. Shri B.S. Kunjappa
S/o late B.A. Sankappa
Aged 65 years
Driver (Retd.)
NSSO, Central Silk Board,
CSB Complex, BTM Layout,
Madivala, Bangalore – 560 068
Res. 30/130, Mahaganapathi Layout
Near Brahmakumari Ashram
Nandi Park Hotel, Gottigere
Bangalore – 560 083.

28. Shri M. Manohara
S/o M. Ganganna
Aged 49 years
Asst. Supdt. (Admn)
RSRS Central Silk Board,
Ananthapuram, Andhra Pradesh
Residing at No. 28/2/786,
Navodaya Colony
Ananthapuram – 515 001.

29. Shri C. Venkata Reddy
S/o C. Rajagopala Reddy
Aged 49 years,
Upper Division Clerk,
RSRS Central Silk Board,
Ananthapuram, Andhra Pradesh
Residing at No. 13/2/190,
Upstairs, Sirdinagar,

Near Church School,
Ananthapuram 515 001
Andhra Pradesh.

30. Shri S. Nagesh
S/o Srinivasa
Aged 52 years
Driver
SBRL, Central Silk Board,
Kodathi, Carmelram Post
Bangalore – 560 035
Residing at No. 175/4, “Giri Nilaya”
6th Cross, 3rd Main, Venkatapura
Bangalore – 560 034.

.....Applicants

(By Advocate M/s Smruthi Law Chambers)

Vs.

1. The Central Silk Board,
Ministry of Textiles,
Government of India,
Central Silk Board Complex,
B.T.M. Layout, Madiwala,
Bangalore – 560 068.
Represented by its Member Secretary.

2. The Joint Director (Admn),
Central Silk Board,
Central Silk Board Complex,
B.T.M. Layout, Madiwala,
Bangalore – 560 068.

3. The Director,
National Silkworm
Seed Organization,
CSB Complex, B.T.M. Layout,
Madiwala, Bangalore - 560 068.

4. The Director (I/C),
Central Silk Technological
Research Institute,
Central Silk Board,
CSB Complex, BTM Layout,
Madiwala, Bangalore – 560 068

5. The Director,
Central Sericultural Research

& Training Institute
Srirampuram, Manandavadi Road,
Mysore – 570 008.

6. The Director,
Seri-Bio-Tech
Research Laboratory,
Kodathi, Carmelram Road,
Bangalore – 560 035.

7. The Scientist 'E',
Silkworm Seed
Technological Laboratory,
Kodathi, Carmelram Road,
Bangalore – 560 035.

8. The Scientist 'D'
Silk Conditioning
And Testing House,
Central Silk Board,
Regatopatti Road,
Ananthapuram District,
Andhra Pradesh – 515 671.

9. Assistant Director (A&A)
Central Sericultural Research
& Training Institute
Srirampuram, Manandavadi Road,
Mysore

....Respondents

(By Shri N. S. Prasad, Counsel for the Respondents)

ORDER (ORAL)

DR. K.B. SURESH, MEMBER (J):

We heard the matter. It seems that there is some conflict in the relief and the pleadings. The learned counsel for the applicant explained that they are new to service jurisprudence and that is how it occurred. However the matter is in a very small compass. In OA No. 452/2009 we had held that the applicants therein, who are the applicants herein also, are eligible for the ACP from 01.09.2008. The matter was taken up to the Hon'ble High Court and the

Hon'ble High Court also upheld this order. In a review also we had clarified this matter. Now the respondents submit that in Civil Writ Petition No. 644/2013 dated 15.01.2013 a slightly different view is taken by the Hon'ble High Court of Punjab and Haryana in which in paragraph 3 it is stated as below:

3. This action was challenged by the respondents herein by filing O.A. before the Central Administrative Tribunal, Chandigarh Bench (Circuit at Jammu). The Tribunal in the impugned order while holding that under the aforesaid circumstances the petitioner herein was well advised to withdraw the scheme and this action was perfectly legal and valid, by the same time it is also held in para No. 8 of the judgment that the amounts already paid under the CSB-ACP Scheme should not be recovered. Para No. 8 of the impugned judgment reads as under:-

"8. As far as the recovery is concerned, the same may not be effected since it was not due to the fault of the applicants that their pay had been fixed at a higher stage under the CSB-ACP Scheme. The present petition is that the ACP scheme of 9.8.1999 would be applicable to the applicants from the date upto the date of introduction of MACP Scheme. Under this broad application of schemes, the respondents would obviously be at liberty of refix the pay of the applicants in accordance with the same. Therefore, the impugned action of the respondents is upheld but no recovery may be made of the excess amount already paid to the applicants."

It is said that this scheme is an MACP scheme and it has been upheld. But then what has been granted under the scheme is not MACP but ACP. There seems to be some confusion over this. Therefore we make it clear that what has been granted is not MACP but ACP from 01.09.2008. When the MACP scheme becomes applicable to them on a later date, that may be taken into consideration but what will reign the field on 01.09.2008 for these employees is ACP and not MACP. Therefore it is made clear that what will be applicable to the applicants is that ACP scheme with reference to 01.09.2008 and not MACP as has been confused in the earlier judgment of the Tribunal at Chandigarh and upheld by the Hon'ble High Court of Punjab and Haryana. It

also held that there cannot be any recovery under Whitewasher judgment of the Hon'ble Apex Court and even under the amended order also as these persons are lower level employees and the benefit was given to them not on their prompting but on the decision taken by the Silk Board. Therefore this OA is allowed and declared that in consonance with our earlier order which has been upheld by the Hon'ble High Court of Karnataka the applicants are eligible for benefits of ACP from 01.09.2008 onwards. This benefit if not had been made available to the applicants will be made available within two months despite the small confusion which has arisen due to the claim made by the applicants in the relief portion that it might be MACP. It is made clear that it is not MACP but ACP.

2. The OA is allowed to this extent. The benefits to be made available within two months next. No order as to costs.

(PRASANNA KUMAR PRADHAN)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

/ksk/

Annexures referred to by the applicants in OA No.170/00846/2016

Annexure A-1: Copy of the order dated 26.11.2012 in Original Application No.452/2009 passed by Central Administrative Tribunal, Bangalore Bench.

Annexure A-2: Copy of the order dated 24.07.2015 in Review Application No.15/2013 passed by Central Administrative Tribunal, Bangalore Bench.

Annexure A-3: Copy of the order dated 02.03.2016 passed by the Hon'ble High Court of Karnataka in WP. No.3402/2016 (S-CAT).

Annexure A-4: Copy of the representation dated 18.03.2016 submitted by the 1st Applicant to the Member Secretary, Central Silk Board.

Annexure A-5: Copy of the individual representation dated 21.3.2016 submitted by the 1st Applicant to the Member Secretary, Central Silk Board.

Annexure A-6: Copy of the individual representation dated 21.3.2016 submitted by the 2nd Applicant to the Member Secretary, Central Silk Board.

Annexure A-7: Copy of the individual representation dated 21.3.2016 submitted by the 3rd Applicant to the Member Secretary, Central Silk Board.

Annexure A-8: Copy of the individual representation dated 21.3.2016 submitted by the 4th Applicant to the Member Secretary, Central Silk Board.

Annexure A-9: Copy of the individual representation dated 21.3.2016 submitted by the 5th Applicant to the Member Secretary, Central Silk Board.

Annexure A-10: Copy of the individual representation dated 21.3.2016 submitted by the 6th Applicant to the Member Secretary, Central Silk Board.

Annexure A-11: Copy of the individual representation dated 21.3.2016 submitted by the 7th Applicant to the Member Secretary, Central Silk Board.

Annexure A-12: Copy of the individual representation dated 21.3.2016 submitted by the 8th Applicant to the Member Secretary, Central Silk Board.

Annexure A-13: Copy of the individual representation dated 21.3.2016 submitted by the 9th Applicant to the Member Secretary, Central Silk Board.

Annexure A-14: Copy of the individual representation dated 21.3.2016 submitted by the 10th Applicant to the Member Secretary, Central Silk Board.

Annexure A-15: Copy of the individual representation dated 21.3.2016 submitted by the 11th Applicant to the Member Secretary, Central Silk Board.

Annexure A-16: Copy of the individual representation dated 21.3.2016 submitted by the 12th Applicant to the Member Secretary, Central Silk Board.

Annexure A-17: Copy of the individual representation dated 21.3.2016 submitted by the 13th Applicant to the Member Secretary, Central Silk Board.

Annexure A-18: Copy of the individual representation dated 21.3.2016 submitted by the 14th Applicant to the Member Secretary, Central Silk Board.

Annexure A-19: Copy of the individual representation dated 21.3.2016 submitted by the 15th Applicant to the Member Secretary, Central Silk Board.

Annexure A-20: Copy of the individual representation dated 21.3.2016 submitted by the 16th Applicant to the Member Secretary, Central Silk Board.

Annexure A-21: Copy of the individual representation dated 21.3.2016 submitted by the 17th Applicant to the Member Secretary, Central Silk Board.

Annexure A-22: Copy of the individual representation dated 21.3.2016 submitted by the 18th Applicant to the Member Secretary, Central Silk Board.

Annexure A-23: Copy of the individual representation dated 21.3.2016 submitted by the 19th Applicant to the Member Secretary, Central Silk Board.

Annexure A-24: Copy of the individual representation dated 21.3.2016 submitted by the 20th Applicant to the Member Secretary, Central Silk Board.

Annexure A-25: Copy of the individual representation dated 21.3.2016 submitted by the 21st Applicant to the Member Secretary, Central Silk Board.

Annexure A-26: Copy of the individual representation dated 21.3.2016 submitted by the 22nd Applicant to the Member Secretary, Central Silk Board.

Annexure A-27: Copy of the individual representation dated 21.3.2016 submitted by the 23rd Applicant to the Member Secretary, Central Silk Board.

Annexure A-28: Copy of the individual representation dated 21.3.2016 submitted by the 24th Applicant to the Member Secretary, Central Silk Board.

Annexure A-29: Copy of the individual representation dated 21.3.2016 submitted by the 25th Applicant to the Member Secretary, Central Silk Board.

Annexure A-30: Copy of the individual representation dated 21.3.2016 submitted by the 26th Applicant to the Member Secretary, Central Silk Board.

Annexure A-31: Copy of the individual representation dated 21.3.2016 submitted by the 27th Applicant to the Member Secretary, Central Silk Board.

Annexure A-32: Copy of the individual representation dated 21.3.2016 submitted by the 28th Applicant to the Member Secretary, Central Silk Board.

Annexure A-33: Copy of the individual representation dated 21.3.2016 submitted by the 29th Applicant to the Member Secretary, Central Silk Board.

Annexure A-34: Copy of the individual representation dated 21.3.2016 submitted by the 30th Applicant to the Member Secretary, Central Silk Board.

Annexure A-35: Copy of the representation dated 26.5.2016 submitted by Applicants to the Member Secretary of the Board.

Annexure A-36: Copy of the representation dated 27.5.2016 submitted by the Applicants to the Joint Secretary (Silk), Ministry of Textile, Government of India.

Annexure A-37: Copy of the representation dated 25.4.2016 submitted by the Applicants to the Grievance Officer, Ministry of Textile, Government of India.

Annexure A-38: Copy of the representation dated 25.5.2016 submitted by the Applicants to the Member Secretary of Central Silk Board.

Annexure A-39: Copy of the representation dated 24.6.2016 submitted by the Applicants to the Member Secretary of Central Silk Board.

Annexure A-40: Copy of the letter No. CSB-63[112]/RTI/2014-ES.II dated 28.7.2016 issued by the Joint Director (Admn), Central Silk Board.

Annexure A-41: Copy of the letter dated 14.07.2016 issued by the Assistant Director (A&A), Central Silk Board.

Annexure A-42: Copy of the letter dated 16.7.2016 issued by the Assistant Director (A&A), Central Silk Board.

Annexures with reply statement filed by Respondent No.2 to 9:

Annexure R-1: Copy of judgment dated 15.01.2013 passed by the Hon'ble High Court of Punjab and Haryana at Chandigarh in CWP No. 644/2013.

Annexure R-2: Copy of letter No.CSB-63(10)/2009-ES.II dated 05.08.2009

Annexure R-3: Copy of letter No.CSB/CSTRI/3(210)07-ES dated 18.08.2009

Annexure R-4: Copy of statement showing the MACP benefits granted to the applicants in O.A. No. 452/2009

Annexures with reply statement filed by Respondent No.1:

Annexure R-1: Copy of the letter No. CSB-5(11)/2010-ES.III dated 25.01.2012 regarding re-designation of certain existing vacant posts.
