

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHENNAI BENCH**

**MA/310/00011/2019 in & OA/310/00029/2019**

**Dated Wednesday the 9<sup>th</sup> day of January Two Thousand Nineteen**

**CORAM : HON'BLE MR. R. RAMANUJAM, Member (A)  
HON'BLE MR. P. MADHAVAN, Member (J)**

1. G.Mohan,
2. B.Chandrasekaran,
3. D.Sankaranarayanan. ....Applicants/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 Organization),  
West Block No. 1, Wing No. 6,  
R.K.Puram, New Delhi 110066.
- 2.The Deputy Director Admn. (MSO),  
O/o. Directorate General of Health Services,  
(Medical Stores Organization),  
West Block No. 1, Wing No. 6,  
R.K.Puram, New Delhi 110066.
- 3.The Deputy Assistant Director General (MS),  
Govt. Medical Store Depot (GMSD),  
No. 37, Naval Hospital Road,  
Periamet, Chennai 600003.
- 4.The Deputy Drugs Controller (i),  
Additional Charge,  
Govt. Medical Store Depot,  
Chennai 600003. ....Respondents/Respondents

By Advocate Mr. Su. Srinivasan

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

Heard. MA for joining together is allowed keeping in view the similar nature of grievance and the relief sought.

2. The applicants have filed this OA seeking the following reliefs :

"i. To call for the records of the 2<sup>nd</sup> respondent pertaining to his order which is made in File No. A.32022/02/2017-St.I dated 23.04.2018 (A13) the order of 3<sup>rd</sup> respondent made in No. Est./MACP/2014-15/831 to 833 dated 25.05.2018 (A14) and the order of 4<sup>th</sup> respondent made in No. Nil dated Nil (A16) 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 refix 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 as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case."

3. Learned counsel for the applicants submits that the applicants were aggrieved by the summary rejection of their prayer by the respondents by Annexure A14 memo dt. 25.05.2018 in which it was stated that the order passed by the Hon'ble High Court of Madras was only for the applicants who had filed the Writ Petition and the benefit could not be automatically availed of by the employees of the other departments. Accordingly, they filed OA 894/2018 which was disposed of by an order dt. 12.07.2018 of this Tribunal wherein it was observed 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 was accordingly 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 thereto if the applicants were similarly placed and pass a reasoned and speaking order.

4. Annexure A16 undated order has been passed allegedly in compliance thereof, aggrieved by which the applicants have been constrained to approach the Tribunal again. It is submitted that the applicability or otherwise of the order of the Hon'ble High Court in WPs 33946, 34602 & 27798/2014 dt. 14.02.2017 has not been discussed at all and as such, the direction of this Tribunal has not been complied with.

5. Mr. Su. Srinivasan, SCGSC takes notice for the respondents and would fairly submit that in as much as the impugned order does not discuss the applicability or otherwise of the order of the Hon'ble High Court in the said case, it is not a reasoned and speaking order. The respondents would pass a reasoned and speaking order, if permitted.

6. We have considered the matter. The impugned Annexure A16 order makes no mention of the order of the Hon'ble High Court in WPs 33946, 34602 & 27798/2014 dt. 14.02.2017. Further, the Government of India order dt. 19.05.2009 which is relied upon to reject the claim is seen very much mentioned in the order of the Hon'ble High Court and as such, the matter ought to have

been considered in the light of the directions of the Hon'ble High Court.

7. Keeping in view the submission, we permit the respondents to withdraw Annexure A16 undated order and pass a reasoned and speaking order in the light of the order of the Hon'ble High Court in the aforesaid case within a period of two months from the date of receipt of a copy of this order.

8. OA is disposed of at the admission stage.

**(P. Madhavan)**  
**Member(J)**

**(R. Ramanujam)**  
**Member(A)**

**09.01.2019**

SKSI