

**Central Administrative Tribunal
Madras Bench**

OA/310/01822/2014

Dated Thursday the 11th day of April Two Thousand Nineteen

P R E S E N T

Hon'ble Mr. P.Madhavan, Member(J)
&
Hon'ble Mr.T.Jacob, Member(A)

1. V.Vijayan
2. V.Sundararajan
3. Andal Govindarajan
4. M.M.I. Nirmalatha
5. A.Ahmed Mansoor
6. I.Mumtaz Banu

.. Applicants

By Advocate **M/s.S.Retnaswamy**

Vs.

1. The Additional Secretary & Development Commissioner,
M/o MSME,
Nirman Bhavan, Maulana Azad Road,
New Delhi 11.
2. The Director,
MSME Development Institute,
65/1, GST Road,
Guindy, Chennai 600032.

.. Respondents

By Advocate **Mr.K.Rajendran**

ORAL ORDER

[Pronounced by Hon'ble Mr.P.Madhavan, Member(J)]

The applicants have filed this OA seeking the following relief:-

“(i) Call for the records leading to the issuance of order No.A-60015/45/2013-A(NG) dated 14.2.2014 and quash the same.

(ii) Direct the respondents to grant financial up-gradation under Modified Assured Career Progression Scheme (MACP-II up-gradation) to the applicants in the hierarchy of the promotional grade pay, i.e. PB-2 – Rs.9300-34800/- plus Grade Pay of Rs.4200/-, w.e.f. the date the applicants were granted MACP-II up-gradation with all consequential benefits.

(iii) And pass such further order or orders as this Tribunal deemed it fit and proper in the circumstances of the case including cost and thus render justice.”

2. Learned counsel for the applicants submits that the applicants joined the 2nd respondent's office in the pre-revised scale of pay of Rs.3050-4590. They were granted first ACP in the next hierarchy of Upper Division Clerk (UDC) in the pay scale of Rs.4000-100-6000 (Pre-revised) and PB1 Rs.5200-20200/- plus GP Rs.2400/- (Revised). The next promotional hierarchy for the applicants is Rs.5500-9000/- (pre-revised) and PB2 Rs.9300-34800 plus GP Rs.4200/- (Revised). However, while granting second MACP to the applicants, they were granted the scale of pay of PB1 Rs.5200-20200/- plus GP Rs.2800. Therefore, the applicants made representations to the respondents seeking second MACP in the hierarchical scale of pay of PB2 Rs.9300-34800 with GP Rs.4200/- which was rejected by order dated 14.2.2014. It is submitted that similar OAs filed by similarly persons were allowed.

Hence they have filed this OA seeking the aforesaid relief.

3. The respondents have filed a reply explaining their stand.

4. When the matter is taken up, learned counsel for the applicants would submit that a similar matter is pending before the Hon'ble Supreme Court in SLP No.21803/2014 and the matter has not attained finality. It is submitted that the applicants would be satisfied if a direction is given to the respondents to consider the claim of the applicants subject to the outcome of verdict in the above said SLP. Counsel for the applicants files a memo to this effect, which is taken on record. Learned counsel for the respondents was represented by proxy-counsel.

5. However, taking into consideration the memo filed by the applicants and in view of the submissions made by the counsel for the applicants, we are of the view that no useful purpose will be served by keeping the matter pending in this Tribunal. **We, therefore, deem it appropriate to dispose of this OA with a direction that the respondents shall review their stand in the event of the aforesaid SLP being decided in favour of persons similarly situated as the applicants.**

6. **The OA is ordered accordingly. No order as to costs.**

(T.Jacob)
Member(A)

(P.Madhavan)
Member(J)

11.04.2019

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