

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCHDated the Tuesday 28th day of August Two Thousand And Eighteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)
THE HON'BLE MR. P. MADHAVAN, MEMBER (J)

O.A./310/1995/2014

1. Mr. T.R. Narayanan,
Viswanethram Second Floor,
No.1, Lakshmi Nagar, III Main Road,
Nanganallur,
Chennai- 600 061;
2. Mr. S. Sivagnanam,
G-3, Ambal Apartments, 8B(2A), 4th Street,
Venkateswara Nagar,
Velachery, Chennai- 600 042;
3. Mr. K. Angles Eswaran,
No. 36/A, C.Y.S. Road, Perambur Barracks,
Chennai- 600 012;
4. Mr. S. Rajkumar,
O/o. Addl. DGFT,
Shastri Bhavan Annexe,
26, Haddows Road,
Chennai- 600 006;
5. Mr. P. Elangovan,
No.51, Astalakshmi Nagar,
5th Street, Mudichur,
Chennai- 600 048.Applicants

(By Advocate : M/s. Menon, Karthik, Mukundan
& Neelakantan)

VS.

1. Union of India, Rep. by the
Secretary to the Government of India,
Ministry of Commerce & Industry,
Department of Commerce,
New Delhi- 110 011;
2. The Director General of Foreign Trade
Ministry of Commerce & Industry,
Department of Commerce, Udyog Bhavan,
New Delhi- 110 107;
3. The Zonal Joint Director General of Foreign Trade,
Shasthi Bhavan Annexe,
Haddows Road, Chennai- 600 006.

... Respondents

(By Advocate: Mr. S.M. Deenadayalan)

ORAL ORDER

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

Ld. Counsel for the applicants present. No representation for the respondents. The OA has been filed by the applicants seeking the following relief:-

"a) Declare that all the applicants are entitled to the benefit of the 2nd financial upgradation under the MACPs in PB-2 Rs.9300-34800 +GP Rs.4200/- with effect from the date they completed 20 years of service or with effect from 01.09.2008 whichever is later and direct the respondents accordingly and direct the respondents to grant the applicants the benefit of the 2nd financial upgradation under the MACPs in PB-2 Rs. 9300-34800 +GP Rs.4200/- with effect from the date they completed 20 years of service or with effect from 01.09.2008 whichever is later, and direct further to grant all consequential arrears of pay and allowances arising there-from."

2. It is submitted that the matter related to grant of MACP as per the promotional hierarchy of the applicants' cadre. Various benches of this Tribunal had passed orders on similar matters. However, the matter is pending before the Hon'ble Apex Court in SLP No 21803/2014 which is yet to be decided.

3. Learned counsel for applicant would produce a copy of the order of this Tribunal in O.A. NO. 1700/2015 dated 4.10.2016 in a similar matter wherein it was observed that the point of law on which the relief was granted earlier did not appear to have been settled finally and the matter

was still before the Hon'ble Apex Court. Accordingly, the O.A was disposed of with a direction to the respondents review their stand in the event of the SLP being decided in favour of the persons similarly situated as the applicant.

4. In view of the above submissions, we dispose of this O.A with the following direction.

"In the event of aforesaid SLP being decided by the Hon'ble Apex Court in favour of the persons similarly situated as the applicants, the respondents shall review the cases of the applicants herein also and pass a reasoned and speaking order in accordance with law within a period of two months thereafter."