

**Central Administrative Tribunal
Madras Bench**

**OA/310/01309/2012, OA/310/01310/2012, OA/310/01311/2012,
OA/310/01312/2012, OA/310/01313/2012 & OA/310/01314/2012,**

Dated 13th day of June Two Thousand Nineteen

P R E S E N T

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

OA 1309/2012

V.Suresh Babu,
S/o A.K.Venkatesan,
No.52, Shankar Nagar, 7th Cross Street,
Near Chinn Amman Koil Street,
Avadi, Chennai 600 052. .. Applicant
By Advocate **M/s G.Rajan**

Vs.

1. Union of India,
Southern Railway, rep. by
Deputy Chief Engineer,
Engineering Workshop,
Southern Railway,
Arakonam.
2. Southern Railway, rep by
Cheif Personnel Officer,
Southern Railway,
Head Quarters,
Chennai 600 003.
3. Southern Railway, rep by
Financial Adviser & Chief Accounts Officer (Stores & Workshops),
Southern Railway, Perambur,
Chennai.
4. Southern Railway, rep by
The General Manager,
Southern Railway,
Chennai-3. .. Respondents

By Advocate **Mr.A.Abdul Ajees**

OA 1310 /2012

S.D.Raghavan,
S/o S.V.Dhamodaran,
No.6, 4th Street, Sathiyavanimuthu Nagar,
A N Kandigai,
Arakkonam 631 002.
By Advocate **M/s.G.Rajan**
Vs.

.. Applicant

1. Union of India,
Southern Railway rep by
Deputy Chief Engineer,
Engineering Workshop,
Southern Railway,
Arakonam.
2. Southern Railway, rep by
Chief Personnel Officer,
Southern Railway,
Head Quarters,
Chennai 600 003.
3. Southern Railway, rep by
Financial Adviser & Chief Accounts Officer (Stores & Workshops),
Southern Railway, Perambur,
Chennai.
4. Southern Railway, rep by
The General Manager,
Southern Railway,
Chennai-3.

.. Respondents

By Advocate **Mr.A.Abdul Ajees**

OA 1311 /2012

S.Madhu
S/o V.Sundaram,
No.67/1, Head Constable Kuppusamy Street,
Stuartpet, Arakkonam 631 001.
By Advocate **M/s.G.Rajan**

.. Applicant

Vs.

1. Union of India,
Southern Railway rep by
Deputy Chief Engineer,

Engineering Workshop,
Southern Railway,
Arakonam.

2. Southern Railway, rep by
Chief Personnel Officer,
Southern Railway,
Head Quarters,
Chennai 600 003.
3. Southern Railway, rep by
Financial Adviser & Chief Accounts Officer (Stores & Workshops),
Southern Railway, Perambur,
Chennai.
4. Southern Railway, rep by
The General Manager,
Southern Railway,
Chennai-3.

.. Respondents

By Advocate **Mr.A.Abdul Ajees**

OA 1312 /2012

S.Mathiazhagan,
S/o C.Sengodan,
Flat No.3/3, Shriram Flats, (TNHB),
Athipet Main Road, Ambattur Industiral Estate,
Chennai 600 058.

.. Applicant

By Advocate **M/s.G.Rajan**

Vs.

1. Union of India
Southern Railway rep by
Deputy Chief Engineer,
Engineering Workshop,
Southern Railway,
Arakonam.
2. Southern Railway, rep by
Chief Personnel Officer,
Southern Railway,
Head Quarters,
Chennai 600 003.
3. Southern Railway, rep by
Financial Adviser & Chief Accounts Officer (Stores & Workshops),
Southern Railway, Perambur,
Chennai.
4. Southern Railway, rep by

The General Manager,
Southern Railway,
Chennai-3.

.. Respondents

By Advocate **Mr.A.Abdul Ajees**

OA 1313 /2012

T.S.Anbalagan,
S/o T.R.Subramanian,
39/28, Subramaniya Nagar Main Road,
Chennai 600 011.

.. Applicant

By Advocate **M/s.G.Rajan**

Vs.

1. Union of India
Southern Railway rep by
Deputy Chief Engineer,
Engineering Workshop,
Southern Railway,
Arakonam.
2. Southern Railway, rep by
Chief Personnel Officer,
Southern Railway,
Head Quarters,
Chennai 600 003.
3. Southern Railway, rep by
Financial Adviser & Chief Accounts Officer (Stores & Workshops),
Southern Railway, Perambur,
Chennai.
4. Southern Railway, rep by
The General Manager,
Southern Railway,
Chennai-3.

.. Respondents

By Advocate **Mr.A.Abdul Ajees**

OA 1314 /2012

I.Velu,
S/o Iyaakannu,
No.37/143, PJN Street,
Sholingur Road,
Arakkonam 631 001.

.. Applicant

By Advocate **Mr.G.Rajan**

Vs.

1. Union of India
Southern Railway rep by
Deputy Chief Engineer,
Engineering Workshop,
Southern Railway,
Arakonam.
2. Southern Railway, rep by
Chief Personnel Officer,
Southern Railway,
Head Quarters,
Chennai 600 003.
3. Southern Railway, rep by
Financial Adviser & Chief Accounts Officer (Stores & Workshops),
Southern Railway, Perambur,
Chennai.
4. Southern Railway, rep by
The General Manager,
Southern Railway,
Chennai-3.

.. Respondents

By Advocate **Mr.A.Abdul Ajees**

ORDER

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

The above OAs were filed seeking the following relief:-

OA 1309/2012:

“.....to set aside and quash the impugned order No.P/EWS/535/MACP dated 18.9.2012 and pass such other order as this Tribunal may deem fit and proper in the circumstances of the case and thus render justice.”

OA 1310 /2012:

“.....to set aside and quash the impugned order No.P/EWS/535/MACP dated 18.9.2012 and pass such other order as this Tribunal may deem fit and proper in the circumstances of the case and thus render justice.”

OA 1311 /2012:

“.....to set aside and quash the impugned order No.P/EWS/535/MACP dated 18.9.2012 and pass such other order as this Tribunal may deem fit and proper in the circumstances of the case and thus render justice.”

OA 1312 /2012:

“.....to set aside and quash the impugned order No.P/EWS/535/MACP dated 18.9.2012 and pass such other order as this Tribunal may deem fit and proper in the circumstances of the case and thus render justice.”

OA 1313 /2012:

“.....to set aside and quash the impugned order No.P/EWS/535/MACP dated 18.9.2012 and pass such other order as this Tribunal may deem fit and proper in the circumstances of the case and thus render justice.”

OA 1314 /2012:

“.....to set aside and quash the impugned order No.P/EWS/535/MACP dated 18.9.2012 and pass such other order as this Tribunal may deem fit and proper in the circumstances of the case and thus render justice.”

2. Since the relief sought and the issues raised therein are of a similar nature, these OAs are taken up together and disposed of by this common order.

3. The applicants' case is that the Ministry of Railways has issued a Circular RBE No.101/2009 dated 10.6.2009 implementing the Modified Assured Career Progression Scheme (MACPS) recommended by the 6th Central Pay Commission (CPC). The applicants entered the railway service as Charge Man B on various dates and the respondents had granted two MACPS to all of them. The respondents had also granted 3rd MACPS to the applicants on 10.6.09 as per Annexure A2. On 17.4.2012 the respondents had issued a show cause notice as (Annexure A5) to explain why the 3rd financial upgradation given to the applicants should not be withdrawn as it was erroneously given. The applicants gave their representations stating that they are entitled to get the 3rd MACP. But the 3rd MACP granted was withdrawn as per OM dated 18.9.12 (Annexure A7). The respondents filed a detailed statement. According to them, the applicants were given IInd MACP w.e.f. the date of implementation of the MACP i.e. 01.9.2008. The applicants has to complete 10 years service from 01.9.08 for getting the 3rd MACP i.e. w.e.f. 01.9.2018. The 3rd MACP was given mistakenly adding 20 years from the date of initial appointment which the applicants are not entitled to get. The applicants has neither completed 10

years in the grade pay nor completed 30 years from the date of initial appointment.

4. We have heard the counsels appearing on both sides and perused the pleadings and annexures. There is no dispute for both sides upto the granting of IInd MACP w.e.f. 01.9.08. The only dispute is whether the applicants are entitled to get 3rd MACP as given as per order dated 10.6.02. If we go through Annexure A2 and A3 order, it can be seen that all the applicants were given II and III MACP w.e.f. 01.9.08 and various dates in 2010 without considering the fact that applicants had not completed 30 years from the date of entry into service or they have continued in the same grade pay for 10 years without promotion. The applicants were admittedly promoted before completing first 10 years and it was counted as the first MACP. They were granted II MACP simultaneously in this case as per Annexure A2 and A3 as follows:-

Sl. No.	Name S/Shri/Smt	Desig.	Date of entry into regular service	Present payband & Grade Pay Rs.	I/II/III MACP	Upgraded Pay band & Grade Pay	MACP w.e.f.
1	V.P.Premkumar	SSE	19.08.75	9300-34800+4600	II&III	9300-34800+4800 & 5400	01/09/08
2	T.S.Anbalagan	SSE[C WSI/MAS]	19.11.82	9300-34800+4600	II&III	9300-34800+4800 & 5400	01/09/08
3	S.D.Raghavan	SSE(Safety)	25.4.81	9300-34800+4600	II	9300-34800+4800	01/09/08
4	I.Velu	SSE	27.7.81	9300-34800+4600	II	9300-34800+4800	01/09/08

5	S.Madhu	SSE	05/07/85	9300-34800+4600	II	9300-34800+4800	01/09/08
6	S.Mathiazhagan	SSE	29.9.83	9300-34800+4600	II	9300-34800+4800	01/09/08
7	T.Vijayakumar	SSE	09/10/91	9300-34800+4600	I	9300-34800+4800	10908
8	M.Govindaraju	SSE	05/01/84	9300-34800+4600	II	9300-34800+4800	01/09/08
9	G.Mani	SSE	10/02/83	9300-34800+4600		9300-34800+4800	01/09/08
10	P.Sivaiah	SSE	20.06.90	9300-34800+4600	I	9300-34800+4800	01/09/08
11	C.Kurunathan	SSE	20.09.84	9300-34800+4600	II	9300-34800+4800	01/09/08
12	K.R.Ravichandran	SSE[CWSI/MAS]	22.11.90	9300-34800+4600	II	9300-34800+4800	01/09/08
13	K.Prabhu	SSE	18.02.83	9300-34800+4600	II	9300-34800+4800	01/09/08
14	R.Balaguruswamy	SSE	09/03/83	9300-34800+4600	II	9300-34800+4800	01/09/08
15	K.C.Rajendran	SSE	20.09.84	9300-34800+4600	II	9300-34800+4800	01/09/08
16	B.Srinivasan	SSE	20.09.84	9300-34800+4600	II	9300-34800+4800	01/09/08
17	G.Palani	SE	05/12/90	9300-34800+4600	II	9300-34800+4800	01/09/08

18	K.Nagarajan	SE	05/12/90	9300-34800+4600	II	9300-34800+4800	01/09/08
19	S.Sundar Raj	SE	27.02.91	9300-34800+4600	II	9300-34800+4800	01/09/08
20	B.Ram Kumar	SE	17.11.90	9300-34800+4600	II	9300-34800+4800	01/09/08
21	R.Rajabandurengan	SE	05/08/91	9300-34800+4600	II	9300-34800+4800	01/09/08
22	G.Ravichandran	SE	22.10.92	9300-34800+4600	II	9300-34800+4800	01/09/08
23	A.Monagurunathan	JE/I	15.07.99	9300-34800+4200	III	9300-34800+4600	15.07.09

Sl. No.	Name S/Shri	Design	Date of entry into regular service	Present pay band & GP	I/II /III	Upgraded pay band & GP	MACPS w.e.f.
1	S.Mathiazhagan	SSE	29.09.83	9300-34800+4800	III	9300-34800+5400	06/07/10
2	S.D.Raghavan	SSE	25.4.81	9300-34800+4800	III	9300-34800+5400	06/07/10
3	I.Velu	SSE	27.7.81	9300-34800+4800	III	9300-34800+5400	06/07/10
4	V.Sureshbabu	SSE	24.08.81	9300-34800+4800	III	9300-34800+5400	28.6.10
5	P.Sivaiah	Then SSE AYM/ EWS	20.6.90	9300-34800+4800	III	9300-34800+5400	20.06.10
6	S.Madhu	SSE	05/07/85	9300-34800+4800	III	9300-34800+5400	06/07/10

7	S.Jaisankar	JE	30.10.00	9300-34800+4200	III	9300-34800+4600	30.10.10
8	T.A.Nallamuthu	JE	13.11.00	9300-34800+4200	III	9300-34800+4600	13.11.10

5. As per the scheme, there will be 3 financial upgradation counted from the direct entry grade on completion of 10, 20 and 30 years of service. This financial upgradation under the scheme will be admissible whenever an employee has spent 10 years continuously in the same grade pay. Eventhough the counsel for the applicants would content that applicants are entitled to get 3rd MACP also w.e.f. 01.9.08, they could not give an explanation as to how they became eligible for 3rd financial upgradation in the year 01.9.08. The respondents had clearly shown that 3rd MACPS was granted before the completion of 30 years or completion of 10 years after 2nd MACP was given. We find merit in the argument of the respondents. So, the relief claimed cannot be granted. It is clear that the OAs are misconceived and it does not have any merit.

6. In the result, the OAs will stand dismissed with cost. The interim order of stay granted on 20.11.12 will stand vacated forthwith.

(T.Jacob)
Member(A)

(P.Madhavan)
Member(J)

13.06.2019

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