

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00431/2016 & OA/310/00461/2016

Dated Wednesday the 3rd day of April Two Thousand Nineteen

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

1.C.S.Prakash,Applicant in OA 431/2016
2.T.Ravi.Applicant in OA 461/2016

By Advocate M/s. Row & Reddy

Vs

1.Government of India,
rep by its Secretary,
Ministry of Personnel, Public Grievances & Pensions,
Department of Personnel & Training,
North Block, New Delhi 110001.

2.The Additional Director General (Tourism),
Ministry of Tourism (HRD Division),
Government of India,
New Delhi 110011.

3.Institute of Hotel Management Catering
Technology & Applied Nutrition,
rep by its Principal,
(Ministry of Tourism, Govt of India),
Chennai 600113.

....Respondents in both OAs

By Advocate Mr. S. Balasubramaniam (R2 & R3)

ORAL ORDER

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

Heard. Since it is submitted that the subject matter and the relief sought in both the OAs are similar, they are disposed of by this common order.

2. The applicants have filed these OAs seeking the following reliefs :

"i. for a direction to the 2nd and 3rd respondents to grant the grade of Rs. 4200 in the pay scale of Rs. 9300-34800 (PB2) instead of grade pay of Rs. 2800 in the pay scale of Rs. 5200-20200 (PB1) w.e.f. 25.11.2009 (applicant in OA 431/2016) & 01.09.2014 (applicant in OA 461/2014) by taking into account the recommendations made by the 3rd respondent dt. 11.12.2015 with arrears and all consequential benefits within a timeframe to be fixed by this Hon'ble Tribunal together with 12% interest per annum.

ii. pass such other orders or directions as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case, award costs and thus render justice."

3. The grievance of the applicants is that their request for enhancement of grade pay sanctioned under MACP from Rs. 2800 to Rs. 4200 had not been considered by the competent authority despite recommendation by letters dt. 22.08.2014 & 11.12.2015 respectively of the 3rd respondent. It is submitted that the 3rd respondent had clearly observed that based on the judgments of the various Administrative Tribunals and High Courts as upheld by the Supreme Court, copies of which were also enclosed, the applicant had requested for sanction of Grade Pay of Rs. 4200 on completion of 20 years of service under MACP.

4. While no final decision has been taken by the competent authority, the reply filed by the respondents 2 & 3 in this OA merely states that according to the MACP scheme, no stepping up of pay would be admissible with regard to the Junior getting more pay than the senior. As for the recommendation made by the

third respondent in his letter dt. 22.08.2017, it is stated that it was not a recommendation at all but only forwarding of the applicants' request. However, the applicants' claim in the OAs as to the applicability of the relevant judicial precedents had not been specifically answered, it is alleged.

5. In the above circumstances, learned counsel for the applicants would submit that the applicants would be satisfied if the competent authority is directed to consider their representations in accordance with the judicial precedents cited and pass a reasoned and speaking order within a time limit to be set by the Tribunal.

6. Keeping in view the above submission and also the fact that there is no impugned order rejecting the claim of the applicant, as the reply of the respondents in the OA is also not comprehensive, we deem it appropriate to direct the competent authority to consider the representations of the applicants for enhancement Grade Pay from Rs. 2800 to Rs. 4200 in the light of the orders passed by the Tribunal in respect of similarly placed persons which are alleged to have been complied with and pass a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order.

7. OAs are disposed of. No costs.

(P. Madhavan)
Member(J)

(R. Ramanujam)
Member(A)

03.04.2019

SKSI