

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.1702-1707/2018

Dated Friday, the 4th day of January, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

&

Hon'ble Mr.P.Madhavan, Judicial Member

| | |
|-------------------------|--------------------------------------|
| R.Rajaguru. | ...Applicant in OA 1702/2018 |
| D. Chandrasekaran | ...Applicant in OA 1703/2018 |
| S. Nagarajan | ...Applicant in OA 1704/2018 |
| B. Lakshmanan | ...Applicant in OA 1705/2018 |
| D. Arumugam | ... Applicant in OA 1706/2018 |
| H. Mohamed Burahanuddin | ... Applicant in OA 1707/2018 |

By Advocate M/s M.Vivekanandan

Director General
Department of Posts
New Delhi – 110 001.

... R-1 in all OAs

The Chief Postmaster General
Chennai – 600 002.

The Postmaster General
Chennai – 600 002.

**...R-2 & 3 in OAs 1702, 1703, 1704
& 1706/2018**

The Chief Postmaster
Chennai G.P.O.
Chennai – 600 001.

**... R- 4 in OAs 1702, 1704 &
1706/2018**

Senior Superintendent of POs
Chennai City South Division
Chennai – 600 017.

... R- 4 in OA 1703/2018

The Director
Foreign Post
Chennai – 600 001.

... R- 2 in OAs 1705 & 1707/2018

By Advocate Mr.Su.Srinivasan

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

Heard. As the issue involved and relief sought in all these OAs appear to be similar, they are taken up together and disposed of by a common order. For the sake of convenience OA 1702/2018 is taken as the lead case.

2. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

"O.A.No.1702/2018

(a)To call for the records of the 4th respondent dated 27.12.2017 as per the Order No.B11/82/MACP/dlgs dated at Chennai 600 001 the 27.12.2017 and quash the order of the 4th respondent and direct the respondents to grant promotion as MACP III in the stage of completion of 35 years with financial and subsequent benefits from the due date till the date of retirement on 31.08.2009 and pass such further or other orders as this Hon'ble court may deem fit and proper in the circumstances of the case and thus render justice."

3. Learned counsel for the applicant submits that the applicant was aggrieved by Annexure A-2 impugned order dated 27.12.2017 by which his representation dated 04.10.2017 was rejected on the ground that no departmental orders in accordance with the outcome of SLP 4848/2016 for review of grant of MACP to officials was received from RO/CO. It is submitted that the applicant had relied on the order of the Hon'ble Madras High Court in WP 30629/2014 dated 04.02.2015 and the dismissal of SLP thereagainst by the Hon'ble Apex court by an order dated 16.08.2016 and claimed similar benefits as the applicants therein, being similarly placed.

His representation could not be rejected by a non-speaking order in this manner, it is contended.

4. Learned counsel for the applicants would further submit that this Tribunal had considered a similar matter OA 899/2018 which was disposed of by an order dated 13.07.2018 directing the competent authority to consider the representation of the applicant therein in the light of the order passed by this Tribunal in OA 1088/2011 dated 14.03.2013 and the order passed by the Hon'ble High Court of Madras in WP.30629/2014 dated 04.02.2015 and pass a reasoned and speaking order as to the applicability of the ratio of the decision in the applicant's case therein and grant him the same benefit if similarly placed. The applicant herein would be satisfied if a similar order is passed in this OA.

5. Mr.Su.Srinivasan, SCGSC taking notice for the respondents would submit that the SLP had not been decided on merits and the order of the Hon'ble Apex Court dated 16.08.2016 clearly states that the question of law was kept open. Accordingly, ratio of the order of the Hon'ble Madras High Court in WP had not attained finality, it is contended.

6. We have considered the matter. It is not in dispute that the applicant's representation has not been disposed of by a reasoned and speaking order. As the applicants are seeking only a direction to reconsider the matter in the light of the order passed in OA 899/2018 dated 13.07.2018, we are of the view that a similar relief could be considered for the applicants, if they are similarly placed. Accordingly,

the OAs are disposed of with a direction to the competent authority to reconsider the representations of the applicants dated 04.10.2017, 29.05.2017, Nil, 29.09.2018, Nil and 11.09.2018 in accordance with law and in the light of the order passed by this Tribunal in OA 1088/2011 dated 14.03.2013 and the order passed by the Hon'ble High Court of Madras in WP.30629/2014 dated 04.02.2015 and pass a reasoned and speaking order as to the applicability of the ratio of the decision in the applicants' case and grant them the same benefit if similarly placed, within a period of two months from the date of receipt of a copy of this order. The fact that the applicants were not a party in the aforesaid cases shall not be held against them as a ground for rejecting their cases, unless their cases could be distinguished from the judicial precedents relied upon.

(P.MADHAVAN)
MEMBER(J)

04.01.2019

(R.RAMANUJAM)
MEMBER (A)

M.T.