

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

O.A. No.020/00040/2014

Date of Order :12.04.2019.

Between :

1. P.N.Chandramohan, s/o P.Nagarajan,
Retd. Senior Section Officer (Accounts),
r/o H.No.1-1-110/8, Ramdas Nagar Colony,
Kapra, Hyderabad-62.
2. N.Kannan, s/o N.Bhaskar Rao,
Retd. SSO (A), r/o H.No.12-7-273/274,
Mettuguda, Secunderabad-17.
3. Lalitha S.G.Naidu, d/o V.Panduranga Naidu,
Retd. SSO (A), r/o Plot No.66, Rail Enclave,
Sikh Village, Secunderabad-09.
4. CH.Ramakrishna, s/o CH.Lakshmipathy,
Retd. SSO (A), Flat No.303, Lakshmi Mamatha
Residence, Srinivas Colony, Swaroop Nagar,
Uppal, Hyderabad-34.
5. C.R.Vilvaraja, s/o Y.D.Vilvaraja,
Retd. Senior Travelling Inspector of Accounts,
r/o Flat No.203, Sri Balagi Apartments,
Anand Bagh, Malkajgiri, Secunderabad-47.
6. M.Satyanarayana, s/o M.Subbarao,
Retd. Sr.TIA, r/o H.No.10-79/11, Satyanarayan Colony,
Nagaram, Hyderabad-83.
7. C.Durgaprasad, s/o C.Kameswara Sarma,
Retd. Sr.TIA, r/o H.No.24-30/3, Vishnupuri,
Malkajgiri, Secunderabad.
8. K.V.Ramanarao, s/o K.Sethu Madhava Rao,
Retd. Sr. ISA, H.No.32, Jeera Ranigunj, Secunderabad.
9. Rajeevbagalwad, s/o Ramachandra,
SSO (A), O/o FA & CAO/SC, r/o Flat No.102,
Greenview Tower, Street No.4, Habsiguda,
Hyderabad-07.

10. Deepa M.Krishnan, d/o G.N.Natrajan,
SSO (A), O/o FA & CAO/SC, r/o H.No.1-112,
Sainagda Herambha, Malkajgiri, Hyderabad-47.

11. Maria Michael, d/o C.Clement,
SSO (A), O/o FA & CAO/SC,
r/o Flat No.102, Aditya Sadan Apartments,
Maruthinagr, Malkajgiri, Hyderabad-47.

12. Lakhmi S Mechan, d/o R.K.Ramaiah,
SSO (A), O/o FA & CAO/SC, r/o Flat No.A9,
Krupa Apartments, New Mettuguda,
Modi's Compound, Secunderabad-17.

13. P.Vasudev, s/o Bapu Rao, SSO (A),
O/o FA & CAO/SC, r/o H.No.3-10-20-84/A/1,
RTC Colony, Ramanthapur, Hyderabad-13.

14. R.Gopikrishna, s/o R.Hanumanthrao,
SSO (A), O/o FA & CAO/SC, r/o H.No.30-272/10/6/3,
Santoshimanagar Colony, Old Safilguda,
Secunderabad-05.

15. M.R.Radhakrishna, d/o Bh.Kameswaravadhanulu,
SSO(A), O/o FA & CAO/SC, r/o H.No.5/5/35/93,
Prashant Nagar, Kukuatpalli, Hyderabad-72.

16. D.Ramakrishna, s/o D.Venkat Rao,
SSO(A), O/o FA & CAO/SC/T, Lekha Bhavan,
Ro H.No.12-11-334, Warasiguda, Secunderabad.

17. V.V.Ramanamurthy, s/o Sessaiah,
SSO(A), O/o FA & CAO/SC/T, Lekha Bhavan,
Ro H.No.3-5-42/3, Road No.2, Krishnanagar Colony,
Moulali, Hyderabad-40.

18. Alice Thompson d/o C.M.Jaun,
SSO(A), O/o FA & CAO/SC/T, Lekha Bhavan,
r/o H.No.1-4-213/15, Srilakhmi Enclave,
Kapra, Hyderabad-62.

19. Cynthia Joy Premarani, d/o P.Samuel Vethamani,
SSO(A), O/o FA & CAO/SC/T, Lekha Bhavan,
r/o H.No.34-81, Vivekanandapuram, Sainikpuri,
Secunderabad-94.

20. Robert Emanuel, s/o A.J.Emanuel,
SSO(A), O/o FA & CAO/SC/T, Lekha Bhavan,
r/o H.No.1-73, Joy Mary Villa, Mallikarjun nagar,
Boduppal Road, Hyderabad-92.

21. M.R.Tagore, s/o M.Kanakarao,
SSO (A), O/o Sr.DFM/SC,
r/o H.No.32-67/23/3, Balajee Colony,
R.K.P:uram, Secunderabad-56.

22. T.Ramakrishna, s/o T.Subba Rao,
SSO (A), O/o Dy. FA & CAO, Workshop,
Lalaguda, r/o H.No.19-93/2, Gouthami Nagar,
Malkajgiri, Hyderabad

23. M.Seshatalpasai, s/o Kasiviswanatham,
SSO(A), O/o Dy.CE/Con/OH, r/o H.No.19-76,
Gouthamnagar Malkajgiri Hyderabad-47.

24. S.Hanumantharao, s/o S.V.B.Narayana Sharma,
SSO (A), O/o FA & CAO/T, r/o H.No.1-9-285-3-4,
Vidyanagar, Hyderabad-44.

25. T.L.N.Sastry, s/o T.Sivarama rao,
SSO(A), O/o FA & CAO/SC, r/o H.No.29-1382/1/43,
Kakatiyanagar, Neredmat, Hyderabad-56.

...Applicant s

And

1. Union of India, rep., by Secretary,
Railway Board, New Delhi.

2. General Manager, South Central Railway,
Rail Nilayam, Secunderabad.

3. Financial Adviser & chief Accounts Officer,
South Central Railway, Rail Nilayam, Secunderabad.

4. Senior Divisional Finance Manager,
South Central Railway, Secunderabad Division,
Sanchalan Bhavan, Secunderabad.

5. Financial Adviser & Chief Accounts Officer/T,
South Central Railway, Lekha Bhavan, Secunderabad.

6. Dy.Chief Engineer/Construction/OH,
South Central Railway, Rail Nilayam, Secunderabad.

7. Dy. Financial Adviser 7 Chief Accounts Officer,
South Central Railway, Workshop, Lalaguda, Secunderabad.

... Respondents

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| Counsel for the Applicant | ... Mr.V.Rama Mohan Rao |
| Counsel for the Respondents | ... Mr.N.Srinadha Rao, SC for Rlys. |

CORAM:

THE HON'BLE MR.JUSTICE L.NARASIMHA REDDY, CHAIRMAN
THE HON'BLE MRS.NAINI JAYASEELAN, MEMBER (ADMN.)

ORAL ORDER

(As per Hon'ble Mr.Justice L.Narasimha Reddy, Chairman)

The applicants are working as Senior Section Officers in the Accounts Wing of the South Central Railways. They claim the benefit of the 3rd MACP in the Grade Pay of Rs.5400/-. They submit that against the 2 ACPs under the relevant scheme were upset on account of promotions earned by them and that they are entitled to extension of 3rd MACP.

2. Reliance is placed upon various orders passed by this Bench and as well as other Benches of this Tribunal and by the Hon'ble High Courts.

3. The respondents, on the other hand, submit that in some cases the relief was granted. Whereas, the Madras Bench of this Tribunal, vide order

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dated 11.03.2015 dismissed the O.A.Nos.383/2013 and 384/2013 and the view taken by the Madras Bench of the Tribunal was upheld by the Hon'ble Madras High Court, vide order dated 13.03.2017 in W.P.Nos.23257 and 23258/2015. At this stage, SLP Nos.352-353/2018 were filed before the Hon'ble Supreme Court, which stayed the operation of the order passed by the Madras High Court dated 13.03.2017 in W.P.Nos.23257 and 23258/2015.

4. The applicants, on the other hand, contend that in SLP CC No.9422/2011, the Hon'ble Supreme Court upheld the view taken by the Tribunal as to the entitlement of the employees, who are similarly situated as that of the applicants, for extension of the benefit of the 3rd MACP.

5. We heard Mr.V.Ramamohana Rao, learned counsel for the Applicants and Mr.N.Srinatha Rao, learned standing counsel for the Respondents.

6. It is indeed true that quite voluminous litigations engulfed in the context of determination of the right of the employees to extend the benefit of 3rd MACP. It is also true that in quite large number of OAs, relief was granted and only exception was one decided by the Madras Bench. However, there is a slight interference with the order passed by the Madras

Bench of this Tribunal in O.A.Nos.383/2013 and 384/2013 by the Hon'ble Madras High Court in W.P.Nos.23257 and 23258/2015.

7. To set at naught, though temporarily by granting stay in SLP (C) No.1277/2018 by the Hon'ble Supreme Court, the fact that the Hon'ble Supreme Court dismissed the SLPs on an earlier occasion cannot be ignored by the one which is already pending.

8. We, therefore, close the OA without expressing any view on merits, but leaving it open to the applicants to work out the remedies to be taken on the SLPs. There shall be no order as to costs.

Sd/-

(NAINI JAYASEELAN)
MEMBER (ADMN.)

Sd/-

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

Dated: this the 12th day of April, 2019
Dictated in the Open Court

Dsn.