

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

O.A. No.021/735/2012

Date of Order :06.06.2019.

Between :

1. S.Vinod Rao (Since died) as per LR
Smt.A.Usha Rani, w/o late S.Vinod Rao,
Aged about 52 yrs, Occ:Service, r/o G-2,
Rukumi Apartments, Bhagyanagar Colony,
Kukatpally, R.R.District-Pin 500 072.
2. T.Thirumalaiah, s/o Sri T. Ramulu (Late),
Aged about 52 yrs, Occ:Junior Works Manager,
Ordnance Factory Medak, Yeddumailaram,
Medak District, Pin-502 205, r/o Q.No.4122,
Ordnance Factory Estate, Yeddumailaram,
Medak District-Pin-502 205.
3. K.Siva Koteswara Rao, s/o Sri K.Laxminarayan (Late),
aged about 51 yrs, Occ:Junior Works Manager,
Ordnance Factory Medak, Yeddumailaram,
Medak District, Pin-502 205, r/o Q.No.4047,
Ordnance Factory Estate, Yeddumailaram,
Medak District-Pin-502 205.
4. N.V.Chandra Sekhar Rao, s/o Sri N.Venkateswara Rao (Late),
Aged about 52 yrs, Occ:Junior Works Manager,
Ordnance Factory Medak, Yeddumailaram,
Medak District, Pin-502 205, r/o Q.No.4106,
Ordnance Factory Estate, Yeddumailaram,
Medak District-Pin-502 205.
5. P.V.B.S.Murthy, s/o Sri N.Nagaraju (Late),
Aged about 51 yrs, Occ:Junior Works Manager,
Ordnance Factory Medak, Yeddumailaram,
Medak District, Pin-502 205, r/o Q.No.4045,
Ordnance Factory Estate, Yeddumailaram,
Medak District-Pin-502 205. ...Applicant s

And

1. Union of India, rep., by its Secretary,
Govt. of India, M/o Defence, Dept. Of
Defence Production and Supplies,
New Delhi.

2. The Director General & Chairman,
 Ordnance Factories Board, Govt. of India,
 M/o Defence, 10-A, SK Bose Road,
 Kolkatta-700 001.

3. The General Manager,
 Ordnance Factory, M/o Defence,
 Yeddumailaram, Medak District,
 AP- Pin-502 205. ... Respondents

Counsel for the Applicants ... Mr.K.Ram Murthy

Counsel for the Respondents ...Mrs.K.Rajitha, Sr.CGSC

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 herein were working as Junior Works Manager in the Ordnance Factory, Yeddumailaram, Medak District, the 3rd respondent herein. All of them were extended the benefit of 3rd MACP through an order dated 04.12.2009. However, the 3rd respondent passed an order dated 17.08.2011 withdrawing the 3rd MACP. The same is challenged in this OA.

2. The applicants contend that the 3rd MACP was granted to them only on being satisfied about eligibility and entitlement, and there was absolutely no basis for passing the impugned order. It is also contended that the impugned order was passed in violation of the principles of natural justice.

3. The respondents have filed a reply statement opposing the OA. It is stated that the order dated 04.12.2009 was issued under a mistaken impression and once the mistake was realized, the impugned order dated 17.08.2011 was issued. It is also stated that the applicants were not entitled to the 3rd MACP at all, having regard to their past service particulars.

4. We heard Mr.K.Ram Murthy, learned counsel for the Applicants and Mrs.K.Rajitha, learned Senior Standing Counsel for the Respondents.

5. It is a matter of record that the applicants were extended the benefit of 3rd MACP, through an order dated 04.12.2009. Within 2 years thereafter, the impugned order dated 17.08.2011 was passed, cancelling the 3rd financial upgradation.

6. During the course of arguments, it is stated that the applicants 2 and 4 have been extended the benefit at a later point of time and that they have subsisting grievance. The grievance exists in respect of the applicants 1, 3 and 5.

7. In case, the order dated 04.12.2009 was issued under any mistaken impression, the 3rd respondent has every right to correct it. However, since certain rights have accrued to the applicants on account of extension of the 3rd financial upgradation, they were entitled to be put on notice, indicating the reasons for the proposed action. No such exercise was undertaken. The impugned order is passed in clear violation of the principles of natural justice. On this short ground, the same deserves to be set aside.

8. We, therefore, allow this OA and set aside the impugned order dated 17.08.2011. It is, however, directed that it shall be open to the respondents to pass fresh orders as to the entitlement or otherwise of the applicants 1, 3 and 5 for the benefit of 3rd financial upgradation duly taking into account, the state of affairs obtaining as of now. The various developments that have taken place during the pendency of the OA, shall also be taken into consideration. The order in this behalf shall be passed with two months

from the date of receipt of a copy of this order. Till such time, no recovery shall be made from the pay of the applicants nor they shall be entitled to be paid the benefit on the strength of the order dated 04.12.2009. There shall be no order as to costs.

Sd/-
(NAINI JAYASEELAN)
MEMBER (ADMN.)

Sd/-
(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

Dated: this the 06th day of June, 2019
Dictated in the Open Court

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