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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 03.01.2018

DELIVERED ON : 26.09.2018

CORAM:

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
and
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.24548 of 2017
and
W.M.P.No.25900 of 2017

1. The Union of India,
Rep. by the Chairman,
Railway Board,
New Delhi.
 2. The General Manager,
Southern Railway,
Park Town,
Chennai - 600 003.
 3. The Senior Divisional Personnel Officer,
Chennai Division,
Southern Railway.
- ... Petitioners

.. Vs ..

1. S.Rajkumar
 2. The Registrar,
Central Administrative Tribunal,
Madras Bench,
Chennai.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Certiorari, calling for the entire records of the second respondent Tribunal in O.A.No.310/01029/2014 and quash the order passed therein dated 06.10.2016.

For Petitioners: Mr.V.Radhakrishnan, Senior Counsel
for Mr.P.T.Ramkumar
For R-1 : Mr.L.Chandrakumar
For R-2 : Tribunal



ORDER
(Order of the Court was made by
RMT. TEEKAA RAMAN, J.,)

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The Railway is the petitioners herein. The first respondent has filed the original application in O.A.No.310 of 2014 before the Central Administrative Tribunal, Madras Bench, seeking for the relief of grant of third MACP upgradation in the grade pay of Rs.4800/- which should have been given to him on 01.09.2008 itself instead of 29.11.2010 as granted by the Railways.

2. Service details of the first respondent that are necessary for determination of this writ petition are as under:-

The first respondent was appointed as Temporary Khalasi in the Pay Scale of Rs.196-232 on pay Rs.196/-. He was selected for the post of Commercial Clerk through Railway Service Commission/Madras and directed to undergo initial training course. He was again selected by the Railway Service Commission for the post of Trainee Assistant Station Master in the Pay Scale of Rs.330-560. He was promoted as Station Master Grade - III in the pay scale of Rs.425-640/Rs.1400-2300/Rs.5000-8000 and as station master Grade - II in the pay scale of Rs.1600-2600/Rs.5500-9000. MACP scheme was introduced and as per the scheme, an employee, who has not been obtained promotion is eligible for financial upgradation in 10, 20 and 30 years of service.

3. On the above service details, it is specifically contented by the first respondent before the Central Administrative Tribunal, Madurai Bench, that the upgradation bestowed on him during the period from 1982 to 2008 were annulled due to the merger of pay in view of the VI pay commission and pay band of Rs.9,300-34800 with grade pay of Rs.4,200/-. It is further contented before the Central Administrative Tribunal by the first respondent that the present pay band was also due to the reason of upward revision by way of merger and replacement and therefore, the first respondent was not extended with any single promotion in the entire span of 30 years of service and hence, prays for grant of three MACP as on 01.09.2008 instead of 29.11.2010 granted by the Railways.

4. The sum and substance of the counter filed by the writ petitioners/Railways is that the first respondent got promotion in the middle of his service. Therefore, the second MACP upgradation was rightly granted on 01.09.2008 after completion of 20 years of service. It appears from the records that by an order dated 06.10.2016, the Central Administrative Tribunal, after going through the various clauses contained in the MACP covering status of the employee as that of the petitioners and



relying upon paragraph No.28 of the scheme has held that when the scheme as provided in paragraph No.24 that the promotion granted earlier than 10 years, than the subsequent upgradation will be with effect from 10 years from that date and therefore, there was no need for the Railways to wait for 30 years for granting such benefit to the first respondent. Accordingly, ordered the Original Application and hence, the writ petition.

5. Mr.V.Radhakrishnan, learned Senior Counsel for Mr.P.T.Ramkumar, appearing on behalf of the Railways drawn our attention to the various clauses contained in MACP scheme filed in the typed set of papers.

6. We have also heard the learned counsel appearing for the first respondent on the factual matrix of the case as extracted above.

7. It is seen that the first respondent was selected as Assistant Station Master on 29.11.1980 and promoted as Station Master Grade-III on 01.08.1982 and promoted as Station Master Grade-II on 01.11.2003. Therefore, the first respondent herein is eligible for second and third financial upgradation as on 01.08.1982 and 01.08.2002 spanning 10 years each. Since MACP came into force on 01.08.2008, both second and third financial upgradation ought to have been given effect on 01.08.2008. It appears from the records that the Railways gave only two MACP on 01.08.2008 which was found fault by the Central Administrative Tribunal.

8. After perusal of the paragraph No.28 of the MACP scheme which came into force on 01.08.2008, when a promotion is granted earlier than 10 years than subsequent upgradation will be with effect from 10 years from that date and therefore, there is no need a person to wait for 30 years to grant such benefit. A similar interpretation given by the Central Administrative Tribunal does not suffer from any illegality or irregularity warranting interference by this Court.

9. In this view of the matter, this writ petition is liable to be dismissed and accordingly, the same is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

Jr1



To

The Registrar,
Central Administrative Tribunal,
Madras Bench,
Chennai.

+1 CC to Mr.L. Chandra Kumar, Advocate sr 66843.

W.P.No.24548 of 2017

SKV(CO)
SP(09/10/2018)