

High Court for the State of Telangana

The Hon'ble The Chief Justice Sri Raghvendra Singh Chauhan

and

The Hon'ble Sri Justice A. Abhishek Reddy

W.P. No. 27916 of 2019

Date: 18-12-2019

Between:

P. Ramchander Rao

...Petitioner

And

The Union of India
Ministry of Railways,
Rep. by its Chairman,
Railway Board, Railsina Marg,
New Delhi and 3 others

...Respondents

Counsel for the petitioner: Mr. P. Ramchander Rao

Counsel for the respondents: Ms. Pushpinder Kaur, SC for CG

The Court made the following:

Order: (per Hon'ble The Chief Justice Sri Raghvendra Singh Chauhan)

The petitioner-in-person, Mr. P. Ramchander Rao, is aggrieved by the order dated 18-11-2019, passed by the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (for short 'the Tribunal'), in O.A. No. 473 of 2018, whereby the learned Tribunal has dismissed the OA filed by him.

Briefly, the facts of the case are that by order dated 06-04-1981, the petitioner was selected as Probationary Commercial Clerk in the scale of 260-430 (IV CPC Rs.975-1540; V CPC Rs.3200-4900; VI CPC Rs. 5,200-20,200; with GP 2000) through the Railway Service Commission. Having been appointed on the said post, the petitioner was sent for training. Having completed the training, he was allotted the Secunderabad Division. Subsequently, in 1981, he was posted at Bellampally Railway Station, on the post of Commercial Clerk. By order dated 16-06-1986, he was promoted to the post of Senior Commercial Clerk, in the pay scale of Rs.330-560 (IV CPC Rs. 1200-2040; V CPC Rs.4000-6000; VI CPC Rs.5,200-20,200 with GP 2800). By order dated 18-06-1986, his basic pay was fixed in the higher scale. Subsequently, on 17-04-1995, he was promoted to the post of Chief Commercial Clerk in the

scale of 1400-2300 (V CPC Rs.5000 – 8000; VI PC Rs.9,300-34,800 with GP 4200), and was posted at Kazipet Railway Station. Thereafter, by order dated 11-05-2005, he was promoted to the post of Commercial Supervisor in the scale of 5500-9000 (VI CPC Rs.9,300-34,800 with GP 4200), and was posted at Warangal.

According to the petitioner, there should be three financial upgradations under the MACPS from the direct entry grade on completion of 10, 20, and 30 years of service respectively. Financial upgradation under the said scheme would be admissible whenever a person has spent ten years continuously in the same grade pay. Since he had spent ten years continuously in the same grade pay, on 01-09-2008, he was given the third MACPS, and he was also given the financial upgradation in the pay scale of 9,300-34,800 with grade pay of Rs.4,600/-. Furthermore, according to the petitioner, on 08-12-2017, in Civil Appeal No. 3744 of 2016, the Hon'ble Supreme Court clearly opined that MACPS should be granted from 01-01-2006, instead of 01-09-2008. Having come to know of the said judgment, the petitioner submitted a representation before respondent No. 1, the Ministry of Railways. However, the said representation was rejected by respondent No. 3, the

Senior Divisional Personnel Officer, Secunderabad Division.

Therefore, the petitioner had filed the OA before the learned Tribunal. However, by order dated 18-11-2019, the learned Tribunal has dismissed the OA. Hence, the present petition before this Court.

The petitioner-in-person has vehemently contended that despite the fact that the learned Tribunal is supposed to pass a reasoned decision, no reasons have been given by the learned Tribunal for concluding that *“the order impugned therein does not suffer from any illegality.”* Therefore, according to the petitioner, the case should be remanded to the learned Tribunal to assign reasons for jumping to its conclusion that the order impugned therein does not suffer from any illegality.

The position taken by the petitioner-in-person has not been opposed by the learned Standing Counsel for Railways, and rightly so. For, a bare perusal of the impugned order clearly reveals that the learned Tribunal has failed to assign any cogent reasons for its conclusion.

Needless to say, one of the principles of natural justice is that a reasoned decision needs to be passed, while dealing with the rights and interests of a litigant. However, a bare perusal of

the impugned order clearly reveals that no reasons whatsoever have been assigned by the learned Tribunal. Therefore, the impugned order suffers from illegality.

For the reasons stated above, this writ petition is allowed. The impugned order dated 18-11-2019, in O.A. No. 473 of 2018, is set aside; the case is remanded to the learned Tribunal. The learned Tribunal is directed to give cogent and convincing reasons for reaching its conclusion that the order impugned in the OA does not suffer from any illegality. The said exercise shall be completed by the learned Tribunal within a period of two months from the date of receipt of a certified copy of this judgment.

As a sequel, miscellaneous petitions, pending if any, stand dismissed as infructuous.

(Raghvendra Singh Chauhan, CJ)

(A. Abhishek Reddy, J)

Dt: 18-12-2019
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