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W.P.Nos.16556, 25219 and 25500 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2024

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR
AND
THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.Nos.16556, 25219 and 25500 of 2018

and

W.M.P.Nos.19734, 29325 and 29665 of 2018

W.P.No.16556 of 2018

1. The Union of India,
Rep. by The Secretary,
Ministry of Railways, Railway Board,
Rail Bhavan, New Delhi-110 001.
2. The General Manager,
Southern Railway,
Park Town, Chennai-600 003.
3. The Divisional Personnel Officer,
Southern Railway, Madurai Division,
Madurai-625 016.

... Petitioners

-VS-

1. N.Rajendran
2. The Registrar,
The Central Administrative Tribunal,
Madras Bench,
Chennai – 600 104.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the 2nd respondent pertaining to O.A.No.355 of 2014 and order passed thereon dated 12.08.2016 and quash the same.



W.P.Nos.16556, 25219 and 25...

For Petitioners : Mr.P.T.Ramkumar
Standing Counsel
For R1 : No Appearance
For R2 : Tribunal

W.P.No.25219 of 2018

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

... Petitioners/Petitioners

-VS-

1. The Registrar,
The Central Administrative Tribunal,
Chennai Bench,
Chennai – 600 104.
2. M.A.Mohanan

... Respondents/Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the entire records of the 1st respondent in O.A.No.310/00001 of 2014 including the order dated 14.02.2017 and quash the same.

For Petitioners : Mr.P.T.Ramkumar
Standing Counsel
For R1 : Tribunal
For R2 : Not Ready Notice

W.P.No.25500 of 2018

1. Union of India,



W.P.Nos.16556, 25219 and 25.....

Rep. by The Chairman,
Railway Board,
New Delhi.

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2. The General Manager,
Southern Railway,
Park Town, Chennai-600 003.

3. The Sr.Divisional Personnel Officer,
Madurai Division,
Southern Railway

... Petitioners

-VS-

1. The Registrar,
The Central Administrative Tribunal,
Chennai Bench,
Chennai – 600 104.

2. R.Raja Rajeswari
3. P.Perumal
4. A.Muni Narayanan
5. P.Kandaswamy
6. B.Selvarajan
7. V.Pon Suresh

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the Hon'ble Central Administrative Tribunal, Chennai pertaining to O.A.No.1590 of 2013 and order passed thereon dated 14.02.2017 and quash the same.

For Petitioners	:	Mr.P.T.Ramkumar Standing Counsel
For R1	:	Tribunal
For R2 to R7	:	Mrs.N.R.Jasmine Padma For Mr.L.Chandra Kumar

COMMON JUDGMENT



(By D.Krishnakumar,J.,)

WEB COPY The issue involved in all these Writ Petitions is one and the same and therefore, they are taken up together for final disposal.

2. The orders dated 12.08.2016 and 14.02.2017 are under challenge in these Writ Petitions, wherein the excess amount sought to be recovered in respect of financial upgradation under Modified Assured Career Progression (MACP) Scheme was stalled by the Tribunal on the basis of the order dated 06.06.2016 passed in respect of a similarly placed person in O.A.No.217 of 2014.

3. For the sake of brevity, the facts are being taken from W.P.No.16556 of 2018 for consideration as follows:

i) It was the case of the applicant before the CAT that he was appointed as Assistant Station Master on 04.07.1982 and subsequently, he was promoted as Station Master on 01.08.1982. Though he was rightly granted 2nd and 3rd Financial Upgradations with effect from 01.08.1992 and 01.09.2008 respectively, the grant of amount was sought to be revised vide impugned order dated 15.11.2009;



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ii) The Tribunal, upon considering various aspects, set aside the impugned order dated 15.11.2009 and directed the Railway Board to grant 3rd Financial Upgradation under MACP Scheme from 01.09.2008 or on completion of 20 years from the date of first promotion;

iii) The Railway Board, vide its Circular dated 29.12.2011 clarified the fact that Financial Upgradation under the MACP Scheme is admissible whenever an employee has spent 10 years continuously in the same Grade Pay and the 2nd Financial Upgradation is admissible on completion of 20 years of service from the date of initial appointment or 10 years from the date of 1st Financial Upgradation / promotion, whichever is earlier and so on;

iv) Though the benefits were given in accordance with the Circular, all of a sudden, 3rd respondent therein misunderstood the Circular and revised the 3rd Financial Upgradation given to him and effected recovery of overpayment without issuing any Show Cause Notice.

4. Learned counsel for R2 to R7 herein in W.P.No.25500 of 2018 drew the attention of this Court to the judgment dated 13.02.2019 passed by a Division Bench of



this Court in W.P.No.14269 of 2018, wherein, this Court had considered all the aspects and held that the view taken by the Tribunal therein does not suffer from any legal infirmities in the eye of law and dismissed the Writ Petition filed by the Railways. The yet another Division Bench in W.P.No.1354 of 2018 dated 21.12.2023, in which, one of us (DKKJ) was a member also took the similar view and dismissed the Writ Petition. Learned counsel for R2 to R7 contended that in all these Writ Petitions, the issue cropped herein had been considered at length and a quietus had been given to. Thus, it is the stand of the respondents that the respondents are entitled for financial upgradation on completion of 20 years of service under the Scheme and the recovery sought to be effected is hit by arbitrariness.

5. The contention raised by the learned counsel for the respondents has not been refuted by the learned Standing Counsel for the petitioners.

6. In the light of various decisions of this Court (supra) and taking note of the fact that the aforesaid decisions are squarely applicable to the facts of the present cases, we are of the view that there is no infirmity in the orders passed by the Tribunal. Hence, all these Writ Petitions are dismissed as devoid of merits. No costs. Consequently, connected Miscellaneous Petitions are closed.



W.P.Nos.16556, 25219 and 25.....

[D.K.K., J.] [K.B., J]
03.07.2024

Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order
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To:

The Registrar,
The Central Administrative Tribunal,
Madras Bench,
Chennai – 600 104.

D.KRISHNAKUMAR,J.,
AND
K.KUMARESH BABU,J.,
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