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W.P.Nos.33124, 33132, 33723, 33731, & 33735 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.Nos.33124, 33132, 33723, 33731, & 33735 of 2024

and

W.M.P.Nos.35880, 35882, 35886, 35888, 36520, 36521, 36530, 36531, 36532
& 36533 of 2024

W.P.No.33124 of 2024

1. Union of India,
rep. by the Chief Post Master General,
Tamilnadu Circle, Anna Salai,
Chennai- 600 002.

2. The Post Master General,
Western Region(TN)
Coimbatore- 641 002.

3. Superintendent of Post Offices,
Namakkal Division,
Namakkal 637 001

... Petitioners

Vs.

1. Central Administrative Tribunal,
rep. by its Registrar,
Madras Bench,
Chennai 600 104.

2. R.Susila

... Respondents



W.P.Nos.33124, 33132, 33723, 33731, & 33735 of 2024

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari to call for the records pertaining to order dated 28.09.2018 passed in Original Application No.610 of 2014 on the file of the first respondent and quash the same.

W.P.No.33132 of 2024

1. Union of India,
rep. by the Chief Post Master General,
Tamilnadu Circle, Anna Salai,
Chennai- 600 002.

2. The Post Master General,
Western Region(TN)
Coimbatore- 641 002.

3. Superintendent of Post Offices,
Namakkal Division,
Namakkal 637 001

... Petitioners

Vs.

1. Central Administrative Tribunal,
rep. by its Registrar,
Madras Bench,
Chennai 600 104.

2. N.Ayyavoo

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari to call for the records pertaining to order dated 28.09.2018 passed in Original Application No.611 of 2014 on the file of the first respondent and quash the same.



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W.P.No.33723 of 2024

1. Union of India,
rep. by the Chief Post Master General,
Tamilnadu Circle,
Chennai- 600 002.

2. The Post Master General,
Western Region(TN)
Coimbatore- 641 002.

3. Superintendent of Post Offices,
Namakkal Division,
Namakkal 637 001

... Petitioners

Vs.

1. Central Administrative Tribunal,
rep. by its Registrar,
Madras Bench,
Chennai 600 104.

2. K. Sengottaian

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari to call for the records pertaining to order dated 28.09.2018 passed in Original Application Nos.609 to **613** of 2014 on the file of the first respondent and quash the same.

W.P.No.33731 of 2024

1. Union of India,
The Chief Post Master General,
Tamilnadu Circle, Anna Salai,
Chennai- 600 002.

2. The Post Master General,
Western Region(TN)



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Coimbatore- 641 002.

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3. Superintendent of Post Offices,
Namakkal Division,
Namakkal 637 001

... Petitioners

Vs.

1. Central Administrative Tribunal,
rep. by its Registrar,
Madras Bench,
Chennai 600 104.

2. R.Sengottaian

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari to call for the records pertaining to order dated 28.09.2018 passed in Original Application No.609 to 613 of 2014 on the file of the first respondent and quash the same.

W.P.No.33735 of 2024

1.Union of India,
rep. by the Chief Post Master General,
Tamilnadu Circle,
Chennai- 600 002.

2. The Post Master General,
Western Region(TN)
Coimbatore- 641 002.

3. Superintendent of Post Office,
Namakkal Division,
Namakkal 637 001

... Petitioners

Vs.

1. Central Administrative Tribunal,
rep. by its Registrar,



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Madras Bench,
Chennai 600 104.

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2. K.Kuppamuthu

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari to call for the records pertaining to order dated 28.09.2018 passed in Original Application No.609 to 613 of 2014 on the file of the first respondent and quash the same.

For Petitioner
in all W.Ps

: Mr. Sakthivel
Senior Panel Counsel

COMMON ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The batch of writ petitions have been instituted challenging the common order passed by the Central Administrative Tribunal, Chennai Bench on 28.09.2018.

2. Though the Central Administrative Tribunal passed an order and the True Certified copy of the order was signed by the Deputy Registrar of the Tribunal on 11.10.2018, the present writ petitions are filed by the Union of India in November 2024, after a lapse of about 6 years from the date of passing



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of the order. Thus, the writ petition is hit by the principles of laches.

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3. On merits, the learned Senior Panel Counsel would submit that the respondents are not eligible for third Modified Assured Career Progression Scheme (MACPS) benefits as per the conditions stipulated under the Scheme. To substantiate the in-eligibility of the respondents, the petitioner would submit that the scheme contemplates as *"If a regular promotion has been offered but was refused by the employee before becoming entitled to a financial upgradation, no financial upgradation shall be allowed as such on employee has not been stagnated due to lack of opportunities, if, however, financial upgradation has been allowed due to stagnation and employees subsequently refuse the promotion, it should be a ground to withdraw the financial upgradation. He shall, however, not be eligible to be considered for further financial upgradation till he agrees to be considered for promotion again and the second and the next financial upgradation shall also be deferred to the extent of period of debarment due to the refusal."*

4. In view of the above conditions, the respondents are in-eligible to avail the benefit of third MACPS benefits. However, the Central Administrative Tribunal found that the issues raised is no longer *resintegra* as the entitlement



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to the financial upgradation has been crystallized by the Mumbai Bench and also Ernakulam Bench and further the Central Administrative Tribunal, Chennai, also dealt with the similar issue and confirmed the said legal position settled by the Mumbai Bench and Ernakulam Bench. That apart, the similar issue has been decided by the Division Bench of the Madras High Court in W.P.No.12213/2016 and an order was passed on 22.11.2023.

5. The Tribunal in the impugned order, more specifically, in paragraph no.14, reiterated that the respondents/applicants are entitled to get third MACPS with effect from 01.09.2008 or the date they completed 30 years of service, whichever is later. **Further direction was issued to the petitioners herein to grant third MACPS benefits to the applicants, if they are otherwise eligible** and pay consequential difference or arrears of pay and allowances to the applicants on account of granting of third MACPS benefits to them. Therefore, the Tribunal in unambiguous terms held that the benefit of third MACPS is to be extended only to the eligible employees, who all are falling under the MACP schemes. Therefore, the petitioners' Department has been granted liberty to verify the eligibility conditions as per the scheme and extend the benefits if the employees are otherwise eligible under the terms and conditions stipulated under third MACP Scheme.



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6. In view of the said directions, we do not find any reason to entertain the writ petitions. More so, the writ petitions are hit by the principles of latches.

7. For all these reasons, the writ petitions are dismissed. No costs. Consequently, the writ miscellaneous petitions are closed.

[S.M.S., J.]

[M.J.R., J.]

19.11.2024

Index: Yes/No

Speaking/Non-speaking order

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To

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



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S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

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