



WP.No.29631 of 2018

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

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in WMP.No.34606 of 2018

1.Union of India rep by
The Secretary Ministry of Railways
Railway Board Government Of India
New Delhi.

2.The General Manager
Southern Railway
Park Town, Chennai – 3.

3.The Chief Personnel Officer
Southern Railway
Park Town
Chennai – 3.

4.The financial Advisor & Chief Accounts Officer
Southern Railway
Park Town, Chennai – 3.

5.The Divisional Railway Manager
Tiruchirappalli Division Southern Railway
Trichy.

...Petitioner



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Versus

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T.A.Ramanathan (retd) Mail Guard
Southern Railway, Trichy
No.66, Officers Colony, Puthur
Renganathapuram, Tiruchirappalli – 627 017.

.. Respondents

Prayer:- Writ petition is filed under Article 226 of the Constitution of India praying to issue writ of certiorari calling for the records in the impugned order dated 07.03.2016 made in RA.no.21 of 2015 in OA.No.28 of 2012, on the file of the Central Administrative Tribunal, Madras Bench and quash the same.

For Petitioners : Dr.S.R.Sundaram

For Respondent : Mr.L.Chandrakumar

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J]

The writ petition on hand has been instituted challenging the order passed by the Central Administrative Tribunal dated 07.03.2016 in Review application No.21 of 2015 in OA.No.28 of 2012.



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2. The review petitioner filed OA.No.28 of 2012 with a prayer to call for the records relating to the order dated 10.06.2019 issued by the first respondent therein and the consequential order dated 13.01.2010 issued by the 5th respondent and to quash Para No.9 therein and direct the respondents to extend two MACP with grade pay of Rs.4600 and Rs.4800/- with effect from 01.09.2008.

3. The Central Administrative Tribunal considered the facts elaborately and made a finding that the respondent had earned two clear promotions, which had been counted for the purpose of MACP. The Tribunal further examined the eligibility of the respondent with reference to the conditions laid down in the MACP scheme, Para 5 of the MACP claim makes it clear that the promotion earned / upgradation granted to the post which came to be merged carrying the same grade pay has to be ignored. However, the scheme stipulates that the 3rd MACP is due to an employee upon completion of 30years of service.

4. In the present case, the petitioner has already granted two clear



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promotions, which remained unaffected by the merger of pay scales. Thus the Tribunal arrived at a conclusion as per the illustration in Para No.28A(iii) of MACP scheme, 3rd financial upgradation was admissible to the respondent only after completion of 30 years of service since he had already got two clear promotions.

5. However, the respondent retired from service prior to completion of 30 years of service. Therefore, he was not eligible for grant of III MACP. Not satisfied with the final order passed by the Tribunal in the OA, the respondent filed review application in RA.No.21 of 2015, the Tribunal reiterated the facts in the review application and clarified that the applicant had completed more than 33 years of service from the date of entry into service. The observation that the respondent had completed 29 years of service prior to his retirement is an apparent error on the face of the records. The Central Administrative Tribunal having identified the error apparent in calculating the period of services of the respondent passed an order allowing the review application and by reviewing the order dated 27.08.2015 made in OA.No.28 of 2012 and it was recalled, through the impugned order. The



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Tribunal disposed of the review application with a direction to the respondents to grant III MACP upgradation to the respondent, if he otherwise fulfills all the conditions under the MACP scheme. Further directions was issued to comply with the directions within a period of three months. Challenging the said order, the Union of India filed the present writ petition.

6. We are of the considered opinion, that it may not be difficult for the writ petitioner / UOI to calculate the period of service rendered by the respondent in Indian Railways. The Central Administrative Tribunal found that initial finding that the respondent had not completed 30 years of service is error apparent and found that the respondent completed 33 years of service from the date of entry into service. However, the Tribunal in the concluding paragraph in the impugned order made a finding that the petitioner shall grant III MACP upgradation to the respondent, if he otherwise fulfills all the conditions under the MACP Scheme.

7. Therefore, the petitioner/Indian Railways ought to have verified the



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service records of the respondent and find out his eligibility for grant of III MACP benefit under the scheme. If he is otherwise eligible, he is entitled for all the benefits for grant of III MACP upgradation.

8. Therefore, the CAT directed the writ petitioners/Indian Railways to verify the service records and find out the eligibility of the respondent and accordingly grant the benefit of III MACP upgradation. The said exercise was directed to be done within three months from the date of receipt of a copy of the order passed by the Tribunal.

9. Since, the writ petition is pending for long time, we direct the writ petitioners/Indian Railways to take a decision on this issue based on the orders passed by the Tribunal in the review application within a period of three months from the date of receipt of copy of this order.

10. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.



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[S.M.S., J.]
19.11.2024.

[M.J.R., J.]

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