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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 08.12.2025

Pronounced on : 12.12.2025

CORAM

THE HON'BLE MR. JUSTICE T. VINOD KUMAR

W.P. No. 4054 of 2019

and

W.M.P. No. 4504 of 2019

R. Kumar

... Petitioner

Versus

1.The Managing Director,
Puducherry Road Transport Corporation Ltd.,
No.4, Ayyar Koil Street,
Raja Nagar, Puducherry – 13.

2.The General Manager,
Puducherry Road Transport Corporation Ltd.,
No.4, Ayyar Koil Street,
Raja Nagar, Puducherry – 13.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus, to call for the records of the 1st respondent in F.No.304/PRTC/Admn/2017/595 Puducherry dated 31.12.2018 and quash the same.

For Applicant(s): Mr. K. Sasindran

For Respondent(s): Mr. R. Sreedhar,
Standing Counsel



ORDER

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents and perused the record.

2. The case of the petitioner, in brief, is that he was appointed as a Conductor in the respondent-Corporation on 27.03.1987 and was subsequently promoted to the post of Checking Inspector in the year 1993; that he was thereafter promoted as Superintendent on 01.06.2005 and continued in the said post till he attained the age of superannuation on 30.06.2024, viz., during the pendency of the present writ petition.

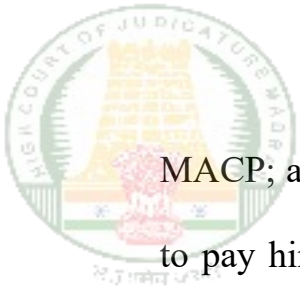
3. Petitioner contends that the Central Government introduced a scheme called Modified Assured Career Programming Scheme (for short, MACP) with the objective of granting monetary benefit to Government servants who remain in the same post for a long period without promotion; that as per the Scheme, an employee who continues in the same post for 10 years without promotion becomes eligible for financial upgradation in pay; that the aforesaid Scheme of Central Government was adopted by the respondent-Corporation by extending the benefits to its employees.



4. It is the further case of the petitioner that, since he was appointed as Superintendent on 01.06.2005 and has been working in the same post for more than 10 years, he is eligible for being granted financial upgradation with effect from 01.06.2015; that the respondents did not extend the said benefit to him on the ground that a disciplinary proceeding was pending against him; that the aforesaid disciplinary proceeding was subsequently dropped vide order of the 1st respondent dated 18.12.2017; and thus, he became eligible for being granted financial upgradation under the MACP Scheme with effect from 01.06.2015.

5. The petitioner contended that, upon dropping of the disciplinary proceeding, the 1st respondent passed an order dated 13.02.2018 granting him second financial upgradation with effect from 01.06.2015, subject to the conditions stipulated therein and that he was granted all monetary benefits including arrears.

6. The petitioner contends that, although he was granted monetary benefits under MACP Scheme pursuant to the proceedings dated 13.02.2018, the 1st respondent, by proceeding dated 31.12.2018, cancelled the second financial upgradation granted to him under the MACP Scheme, stating that a charge-sheet was pending against him on the date of issuance of the second



MACP; and that the 1st respondent by the impugned proceeding further directed to pay him a sum of Rs.96,896/- immediately without issuing any show cause notice or affording him an opportunity. Thus, the impugned proceedings are in violation of principles of natural justice.

7. Despite service of notice to the respondents, no counter affidavit has been filed.

8. The learned Standing Counsel appearing on behalf of the respondents contended that, since, a criminal case vide C.C. No.235 of 2013 was pending against the petitioner for various offences under the Indian Penal Code as on the date of issuance of second MACP, the 1st respondent issued the impugned proceedings withdrawing the grant of second MACP and also directed the petitioner to remit back to the Corporation immediately an amount of Rs.96,896/-, which was paid to him as arrears under the MACP; and that the impugned order is in accordance with the terms and conditions of the Scheme.

9. Contending as above, the learned counsel for the respondents seek for dismissal of the writ petition.

10. I have taken note of the respective contentions.



11. At the outset, it is to be noted that the alleged criminal case, stated to be pending on the date of granting the benefit under the second MACP, is not in relation to any violation or discharge of official duties by the petitioner. The criminal case i.e., C.C.No. 235 of 2013, in which the petitioner is alleged to be involved, is entirely in relation to a private dispute and does not concern the respondents or the petitioner's co-employees, nor does it pertain to any incident arising out of the petitioner's service or at workplace.

12. Further it is to be noted that no disciplinary proceedings were pending against the petitioner at the relevant time, on the basis of which the respondent could have refused the financial upgradation. Under the scheme, the respondents may refuse financial upgradation only when a disciplinary proceeding or a criminal proceeding relating to service with the respondents is pending on the date of grant of such benefit.

13. If the contention of the respondents that a criminal case unconnected with service or discharge of duties can also be a ground for denying financial upgradation, then by the same reasoning, such benefits could be denied by initiating a private complaint under Section 200 Cr.P.C., (equivalent to Section 223 of BNSS), based on which, a crime can be registered. However, a reading



of the MACP Scheme, does not reflect any such intention on the part of the Government.

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14. Since, the C.C. No.235 of 2013, in which the petitioner is alleged to be involved, does not relate to his employment and pertains only to a private dispute between the petitioner and the complainant therein and that the respondents not being a party to the said proceeding, the respondents could not and ought not to have taken the said fact into consideration to deny financial upgradation or seek recovery of the financial arrears already granted under the MACP Scheme.

15. Accordingly, the Writ Petition is allowed and the impugned order dated 31.12.2018 is set aside. Consequently, connected miscellaneous petition is closed. No costs.

12.12.2025

Index: Yes / No

Neutral Citation: Yes / No

AT



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T. VINOD KUMAR, J.

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