IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **26.03.2026**

CORAM

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

and

THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

W.P.No. 1670 of 2025

1. Union of India,
represented by the General Manager
Southern Railway,
Park Town, Chennai.

2. The Senior Division Personnel Officer
Chennai Division
Southern Railway
Chennai. …. Petitioners

Vs

Kalaivani
D/o. Late C.Thulukkanam …. Respondent

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying to issuance of Writ of Certiorari, to call for the records pertaining to the order dated 11.12.2023 passed in O.A.No.310/00168/2017 by the Central Administrative Tribunal, Chennai and quash the same.

For Petitioners : Ms.Sushma
Senior Panel Counsel

For Respondent : No appearance

ORDER

(Order of the Court was made by P.VELMURUGAN, J.)

This Writ Petition has been filed challenging the order dated 11.12.2023 passed in O.A.No.310/00168/2017 by the Central Administrative Tribunal, Chennai.

2. The respondent herein is the daughter of late C.Thulukkanam, who retired from service on 28.02.2009 as Helper, Grade I, under the Senior Section Engineer (Works), Perambur, and subsequently died on 24.09.2012. The respondent's mother pre-deceased the deceased employee. The respondent, being an unmarried and physically challenged daughter, is eligible for grant of family pension. As the respondent's requests for grant of family pension as well as for extension of Modified Assured Career Progression (MACP) benefits to her father did not evoke any response, she filed O.A.No.1156 of 2014 before the

Tribunal. By order dated 11.08.2014, the Tribunal, while disposing the application directed the petitioners to consider her representations and pass appropriate orders in accordance with law.

3. Pursuant thereto, the Competent Authority by letter dated 25.08.2015, sanctioned family pension in favour of the respondent. Subsequently, by proceedings dated 19.04.2017, enhanced family pension along with dearness allowance was granted for the period from 25.09.2012 to 02.02.2016, by revising the amount from Rs.3,500/- to Rs.4,420/-. Thereafter, the family pension was restored to Rs.3,500/- with dearness relief from 03.02.2016, till the respondent's marriage or for her lifetime, whichever is earlier. Subsequently, the respondent submitted a representation dated 19.12.2015 seeking enhancement of family pension by re-fixation of the pay of the deceased employee on the basis of extension of benefits under the MACP scheme, claiming fixation at Rs.4,520/- for the period from 25.09.2012 to 29.02.2016. Upon verification, the authorities found that the deceased employee had rendered only 19.5 years of qualifying service, which falls short of the minimum 20 years required for grant of second financial upgradation under the MACP Scheme, in terms of RBE No.101 of 2009. The same was communicated to the respondent. Aggrieved by the said decision, the respondent filed O.A.No.310/00168/2017 before the Central Administrative Tribunal, Chennai,

which came to be allowed by order dated 11.12.2023. Challenging the said order, the present petition has been filed.

4. The learned Standing Counsel appearing for the petitioners submitted that, as per RBE.No.101 of 2009, an employee is required to have rendered a minimum of 20 years of qualifying service for grant of second financial upgradation under the MACP Scheme. In the present case, the deceased employee did not fulfil the said requirement, and therefore, the respondent's claim for extension of MACP benefits for the purpose of pay fixation and consequential revision of family pension was rightly rejected. It is further submitted that the deceased employee had rendered 13 years, 7 months and 26 days of regular service and 6 years and 5 days, being 50% of temporary status casual labour service, aggregating to 19 years, 7 months and 31 days of qualifying service, which falls short of the prescribed 20 years. However, the Tribunal erroneously reckoned 50% of the temporary status casual labour service, once again, thereby concluding that the deceased employee had completed more than 20 years of service, and on that basis, allowed the application. It is contended that such an approach is contrary to Rule 31 of the Railway Services (Pension) Rules of 1993. It is also contended that, in any event, in view of RBE No.11 of 2023, dated 14.02.2023, the practice of counting 50% of casual labour service for the purpose of MACP has been

withdrawn. Hence, the direction issued by the Tribunal to reconsider the qualifying service for re-fixation of pay and grant of enhanced family pension is unsustainable in law and is liable to set aside.

5. We have carefully considered the submissions made by the learned Standing Counsel for the petitioners and perused the materials available on record.

6. Despite service notice and the name of the respondent being printed in the cause list, there is no representation on behalf of the respondent, either in person or through counsel.

7. On a perusal of the records, it is seen that the father of the respondent had rendered 13 years, 7 months and 26 days of regular service. In addition, 50% of the temporary status casual labour service, is liable to be reckoned towards qualifying service for the purpose of pensionary benefits. By taking into account 50% of such casual labour service, which works out to 6 years and 5 days, the total qualifying service comes to 19 years, 7 months and 31 days, i.e., approximately 19 years and 8 months. Though the deceased employee had not strictly completed 20 years of qualifying service, the Tribunal, taking note of the fact that he had rendered more than 19 ½ years of qualifying service,

treated the same as sufficient for the purpose of extending the benefit, particularly in the light of the beneficial nature of pensionary legislation. The Tribunal, upon considering both the regular service and the qualifying portion of the casual labour service, arrived at the conclusion that the deceased employee was entitled to the benefits in question, including the consequential family pension and MACP benefits. This Court, having regard to the above factual position and the reasoning adopted by the Tribunal, does not find any perversity or illegality in the impugned order warranting interference under Article 226 of the Constitution of India.

8. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs.

(P.V.,J.) **(K.G.T.,J.)**

26.03.2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

The Presiding Officer,

Central Administrative Tribunal,

Chennai.

P.VELMURUGAN, J.,

and

K.GOVINDARAJAN THILAKAVADI, J.,

ms

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