



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 27TH DAY OF FEBRUARY, 2026
PRESENT
THE HON'BLE MR. JUSTICE S.G.PANDIT
AND
THE HON'BLE MR. JUSTICE K. V. ARAVIND
WRIT PETITION NO. 17716 OF 2024 (S-CAT)

BETWEEN:

SRI THIMMEGOWDA C A
S/O ARETHIMMAIAH
AGED ABOUT 67 YEARS,
WORKED AS HEAD CLERK
AND OFFICE SUPERINTENDENT
SOUTH CENTRAL RAILWAYS
SANCHALAN BHAVAN
SECUNDERABAD
TELANGANA-500071.

RESIDING AT FLAT NO.308
"SURABHI,
MEGHAMAANEY APARTMENTS,
OMKAR NAGAR,
DR. VISHNUVARDHAN ROAD
R R NAGAR,
BENGALURU-560059.

...PETITIONER

(BY SMT. HIMABINDU S BUSI, ADV. FOR
SRI. RAVIKUMARA B. R., ADV.)

AND:

1. UNION OF INDIA
REP. BY GENERAL MANAGER,
SOUTH CENTRAL RAILWAYS
SANCHALAN BHAVAN,
SECUNDERABAD
TELANGANA-500071.





2. THE DIVISIONAL RAILWAY MANAGER
P/SC PERSONNEL BRANCH
4TH FLOOR, SANCHALAN BHAVAN,
SECUNDERABAD
TELANGANA-500071.
3. THE SENIOR DIVISIONAL
PERSONNEL OFFICER
SOUTH CENTRAL RAILWAYS
PERSONNEL BRANCH
4TH FLOOR, SANCHALAN BHAVAN,
SECUNDERABAD
TELANGANA-500071.

...RESPONDENTS

(BY SMT. S SHUBHA, CGC FOR R1 TO R3)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE ENTIRE RECORDS PERTAINING TO THE ORDER DATED 01.12.2022 PASSED BY THE TRIBUNAL AND ALSO QUASH AND SET ASIDE THE IMPUGNED COMMUNICATION BEARING NO.SCR/P/SC/220/ENGG.BILLS/2018 PASSED BY THE RESPONDENT NO-3 QUASH ORDER DATED 01.12.2022 PASSED BY THE CAT BENGALURU IN O.A NO.170/01694/2018 (UNDER ANNEXURE-A TO THE WP) BY ISSUED OF A WRIT IN THE NATURE OF CERTIORARI AND SUCH OTHER APPROPRIATE WRIT AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
AND
HON'BLE MR. JUSTICE K. V. ARAVIND



ORAL ORDER

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

Heard learned counsel Smt.Himabindu S. Busi for Sri.B.R.Ravikumara, learned counsel for the petitioner and learned Central Government Counsel Smt.Shubha.S., for respondent Nos.1 to 3.

2. Petitioner is before this Court aggrieved by order dated 01.12.2022 in O.A.No.170/01694/2018 passed by the Central Administrative Tribunal, Bangalore Bench, Bengaluru (for short, 'the Tribunal') rejecting the prayer of the petitioner to quash impugned communication bearing No.SCR/P.SC/220/Engg.Bills/2018 dated 11.07.2018 (Annexure-A6) and prayer for a direction to the respondents to grant appropriate scale of pay of Rs.5500-9000 from the date of redeployment of the petitioner and to extend all consequential benefits viz., MACP benefits and retiral benefits to the petitioner.



3. The petitioner was initially appointed as Assistant Teacher, (Kannada) in Railway ATP School at Bidar. When 'V' CPC came into effect on 01.01.1996, the petitioner was placed in the pay scale of Rs.4500-7000. It is stated that on 15.06.2005, the first MACP was granted to the petitioner in the scale of 5500-9000. On coming into force of VI CPC, the petitioner's basic pay scale was revised to Rs.9300-34800 plus grade pay of Rs.4200. It is seen that due to the closure of ATP Primary School, Kannada Medium at Bidar, the petitioner was rendered surplus and was redeployed as Senior Clerk in the pay scale of Rs.4500-7000 in Civil Engineering Department. The said redeployment was accepted by the petitioner without any protest or demur. Thereafter, the petitioner has retired from service on attaining the age of superannuation on 31.08.2017. Thereafter, the petitioner is said to have submitted representation on 29.01.2018 for grant of appropriate pay scale and for re-fixation of his pay, pension and other retiral benefits. As the respondents



failed to consider the request of the petitioner made in her representation, petitioner approached the Tribunal in the above stated O.A. The Tribunal on consideration of the entire material on record, rejected the prayer of the petitioner. Aggrieved by the same, petitioner is before this Court in this writ petition.

4. Learned counsel Smt.Himabindu S. Busi for petitioner would contend that the Tribunal failed to take into consideration the facts pleaded before the Tribunal and also failed to take note of the fact that the first MACP given to the petitioner was only to align his previous salary and though the petitioner was promoted, his promotion did not result in any financial benefit, except for the change in position. Further, learned counsel would submit that, the authorities committed an error in reducing the pay of the petitioner while redeploying the petitioner as Senior Clerk. The petitioner had no other option but to accept the redeployment. Thus, learned counsel would



submit that as the Tribunal failed to consider all the above factual position, prays for allowing the writ petition.

5. Per contra, learned Central Government Counsel Smt.Shubha.S., for respondent Nos.1 to 3 would support the order passed by the Tribunal and further submits that every benefit which was available to the petitioner was granted. Further, she submitted that while granting MACP I and II, subsequently even the promotion granted to the petitioner was not taken into consideration, taking note of the fact that the petitioner was redeployed to a lower post. Thus, she prays for the dismissal of the writ petition.

6. Having heard learned counsel appearing for the parties and on perusal of the entire writ petition papers, we are not inclined to interfere with the impugned order passed by the Tribunal for the following reasons:

Annexure-A6, impugned letter which was the subject matter of the OA before the Tribunal indicates that the



petitioner was redeployed as Senior Clerk on closure of ATP Primary Schools in Kannada medium at Bidar. The said redeployment was accepted by the petitioner without any protest or demur. The said redeployment has taken place on 23.08.2007. The petitioner retired in the year 2018, more than 10 years from the date of redeployment of the petitioner. The petitioner had no grievance during his service and only after his retirement, the petitioner has raised grievance regarding his redeployment. The Tribunal has taken note of the contentions of the petitioner as well as respondents and at paragraphs 11, 12 and 13, it has observed as follows:

"11. The applicant had served for a total period of 24 years 2 months and 16 days. Hence, he would have been entitled to only two up-gradations under the MACP scheme. He has been granted 1st MACT w.e.f. 01.09.2008 and 2nd MACP w.e.f. 23.07.2013, after completion of 20 years of qualifying service.

12. It has been observed that the promotion granted to the applicant as a teacher on 15.06.2005 has not been counted while granting



the two MACPs, since he had been redeployed to a lower post of Senior Clerk. However, he has been granted MACP after counting his entire service including that of teacher in the Railway School at Bidar.

13. The prayer of the applicant that he should be granted MACP I and II in the respective Grade Pay of Rs.4600 and 4800 is misplaced. He had already received a promotion as teacher prior to his absorption as a clerk on 15.06.2005. If that promotion is taken into account, then he would have been entitled to MACP II only after completion of 20 years of service. However, his up-gradation in GP 5500-9000 as a teacher has not been counted due to the fact that he was absorbed on a lower post. He had accordingly been granted MACP I (4200) w.e.f. 01.09.2008 and MACP II (4600) after completing 20 years of service on 23.07.2013. He is not entitled to MACP III since he attained superannuation before completing 30 years of service."

7. As observed by the Tribunal, the promotions granted to the petitioner has not been taken into consideration while granting MACP I and II, as the petitioner was redeployed to a lower post. The



redeployment of petitioner to a lower post has been compensated by subsequently granting MACP I and II. Moreover, if the petitioner was not redeployed on closure of the school where the petitioner was working, the petitioner would have faced termination and would not have continued in employment.

8. Thus, we do not find any merit in the writ petition and accordingly the writ petition stands ***rejected***.

**Sd/-
(S.G.PANDIT)
JUDGE**

**Sd/-
(K. V. ARAVIND)
JUDGE**