

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD

O.A. No. 020/00251/2014

HYDERABAD, THIS THE 23rd DAY OF DECEMBER, 2019

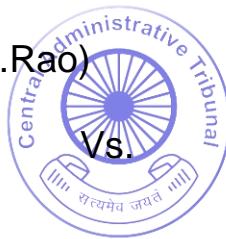
Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

Hon'ble Mr. B.V. Sudhakar, Admn. Member

SHRI NARSIMHA,
S/o Rajaiah,
Aged 56 years, Occ: Watchman,
Working in the O/o Dy. Chief Signal
And Telecommunication (Construction) Engineer,
South Central Railway, Secunderabad.

Applicant

(By advocate: Mr. G.S.Rao)



Union of India rep by its,

1. The General Manager,
South Central Railway,
Secunderabad,
2. The Chief Personnel Officer,
South Central Railway,
Secunderabad,
3. The Deputy Chief Signal &
Telecommunications Engineer (Construction),
Near Rail Nilayam,
South Central Railway, Secunderabad.

Respondents

(By advocate: Mrs. A P Lakshmi, SC for Railways)

ORAL ORDER

(PER HON'BLE Mr. JUSTICE L.NARASIMHA REDDY, CHAIRMAN)

Applicant joined in the service of South Central Railway as Gangman on 29.01.1978. He was promoted to the post of Sr.Trackman, but was medically de-categorized on 17.09.2007. When he was offered the post of Watchman in the year 2007 itself, applicant was initially not inclined to accept the same, but ultimately accepted the offer in the year 2010. The grievance of the applicant is that he is not extended the benefit of pay protection and the financial upgradation under the schemes of Assured Career Progression (ACP)/Modified Assured Career Progression (MACP).

2. Respondents filed counter affidavit. It is stated that though the applicant was de-categorized and appointed as Watchman, his pay was protected. As regards the MACP, it is stated that two financial upgradations were given to him before the de-categorization and the third up-gradation was worked out and conveyed to the applicant.

3. We heard Mr.B.Pavan Murthy, learned proxy counsel, representing Mr. G.S.Rao, for the applicant and Mrs.A.P.Lakshmi, learned Standing Counsel for the Respondents.

4. The grievance of the applicant is two fold. The first is about the pay protection and the second one is about the financial upgradations. Applicant does not dispute the fact that although he was

offered the appointment as Watchman, his pay was protected and he continued to draw the same salary, even after the de-categorization. The plea put forth by him is in terms of the equation of pay scales on the basis of the recommendations of 6th Central Pay Commission. We do not find any strength in it. Once the appointment as Watchman became final and his pay was protected, revision of pay on the basis of the recommendations of the 6th Central Pay Commission, cannot be made, as though he continued to hold the post of Sr.Trackman. Therefore, we reject the contention of the applicant.



5. The second is about the financial upgradation. Respondents have categorically stated that two financial upgradations were extended while the applicant was working as Sr.Trackman and the third one is being worked out. Applicant retired on 31.07.2017. In case applicant did not receive the amount which is otherwise due to him, he can make a representation. On their part, respondents have accepted in principle, their obligation to extend the benefit of MACP also.

6. O.A disposed of with the above observations.

7. There shall be no order as to costs.

(B V SUDHAKAR)
MEMBER (A)

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

vsn