

Central Administrative Tribunal  
Principal Bench

OA No.2597/2014

New Delhi, this the 30<sup>th</sup> day of January, 2020



**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman**  
**Hon'ble Mr. A. K. Bishnoi, Member (A)**

Hari Pal S/o late Sh. Sukhari,  
Aged about 65 years,  
Ex. Helper,  
R/o E-66, South Extension, Part-I,  
New Delhi

- Applicant

(By Advocate: Shri Lalta Prasad)

Versus

Union of India through

1. General Manager,  
Northern Railway,  
Baroda House, New Delhi
2. Divisional Railway Manager,  
Delhi Division (Northern Railway)  
State Entry Road, New Delhi
3. Sr. DPO/Construction,  
Northern Railway,  
Kashmere Gate,  
Delhi-110006
4. Chief Admn. Officer/Construction,  
Head Officer Construction,  
Northern Railway,  
Kashmere Gate,  
Delhi-110006

- Respondents

(By Advocate: Shri Kripa Shankar Prasad)

**: O R D E R (ORAL) :**

**Justice L. Narasimha Reddy:**

The applicant retired from the service of Northern Railway on 31.12.2008. By the time, he retired, MACP was due to him. It is stated that there was some discrepancy as to the fixation of his pay and that after retirement of the applicant, the respondents issued the proceedings dated 15.11.2011 granting the benefit of MACP to him.

2. The grievance of the applicant is that though the benefit of MACP was extended, the same was not reflected in his pensionary benefits. A plea is also raised as regards the fixation of his pay in the year 2001.

3. The respondents filed a counter affidavit, opposing the OA. According to them, the applicant was paid all the necessary benefits and regarding some claims as made in the OA, he did not make any representation, earlier.

4. We heard Shri Lalita Prasad, learned counsel for the applicant and Shri Kripa Shankar Prasad, learned counsel for the respondents.

5. It is a matter of record, that the applicant retired from the service of Northern Railway on 31.12.2008 on attaining



the age of superannuation. Though he made a claim that his pay ought to have been fixed in a different way in the year 2001 and the relief is claimed in that behalf, the fixation of pay, which took place in the year 2001, cannot be reopened at this stage.



6. The record does disclose that the benefit of MACP was granted to the applicant through 15.11.2011 after he retired from service. Though arrears were paid, it is not evident that the benefit of MACP was reflected in the pension, post 15.11.2011. Nothing is mentioned about it, in the counter affidavit. Similarly, another order dated 29.10.2013 was issued, indicating that the applicant is extended the benefit of MACP.

7. During the course of arguments, learned counsel for the respondents stated that the pension of the applicant has been revised and even the benefit of Seventh Pay Commission was also extended from 01.01.2016 through order dated 13.12.2018.

8. In these circumstances, we dispose of the OA, directing that in case the MACP granted to the applicant through orders dated 15.11.2011 and 29.10.2013 are not reflected in the pension, the orders in that behalf shall be issued, within a period of two months from the date of

receipt of a copy of this order. If, on the other hand, the pension is already revised and it reflects the benefit of MACP, the same shall be communicated to the applicant.

There shall be no order as to costs.

**(A. K. Bishnoi)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

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