



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.371/2020

New Delhi, this the 26th Day of February, 2020

**Hon'ble Mrs. Justice Vijay Lakshmi Member(J)
Hon'ble Mr. Pradeep Kumar, Member (A)**

Vinod Kumar Pandey
(Retired Deputy Chief Controller
Group C, Age 60), S/o Sh. K.S. pandey
R/o 4/1/103, Chiranjeev Vihar
Ghaziabad, U.P.Applicant

(By Advocate: Mr. Arun Kumar Panwar)

Vs.

1. Union of India though the Secretary
Ministry of Railway
Rail Bhawan, New Delhi.
2. The Chairman, Railway Board, Rail Bhawan
Raisina Road, Rajpath Area
Central Secretariat, New Delhi-110001.
3. Divisional Railway Manager
North Eastern Railway
Izzatnagar, Barailey, UP
4. General Manager
North Eastern Railway
Gorakhur, UP.Respondents

Order (Oral)

Hon'ble Mr. Pradeep Kumar, M(A)

The applicant herein was recruited against an advertisement for the post of A-2 Signaller in the year 1979 which carried the pay scale of Rs.260-430. Once



the training was completed, certain organizational restructuring had taken place and the post of A2 Signaler was abolished. At that stage, the applicant was given an option to join on an alternative post of Coaching Clerk which was also in the same pay scale of Rs.260-430/-. Once the applicant gave his consent for this alternative posting, he was posted on this post of Coaching Clerk.

Subsequently, on 28.02.1984 he was promoted as Assistant Station master in the pay scale of Rs.330-560. This was counted as one of the ACP benefit. He appeared in a departmental exam for promotion to the post of Station Master. Being successful he was posted as Station Master and this was also counted as a promotion.

In due course of time, the applicant retired from service on 31.12.2019. During his service, the applicant got financial upgradations to grade pay of Rs.2800, Grade pay of Rs.4200 and Rs.4600, as is shown in the RTI reply dated 26.04.2019.

2. The applicant pleaded that his posting as ASM was only under the circumstances that the post of A-2



Signaler was abolished and in keeping with the letter issued by Western Railway on 20.09.2010, his posting from the post of Coaching Clerk to ASM which took place on 28.02.1984, cannot be counted as a promotion and accordingly he is still entitled for third MACP benefit.

3. Matter has been heard at the admission stage. The Western Railway circular dated 20.09.2010, relied upon by the applicant is in the situation when the A-2 Signaler post was abolished and they were en-masse directly posted as Assistant Station Master. This letter reads as under:-

"The matter has been examined. The Traffic Signalers who was earlier absorbed as ASMs en-masse in the ASMs category in pay Scale Rs.1200-2040/4500-7000 due to abolition of Traffic Signalers. Prior to this, the Traffic Signalers were in Scale Rs.975/1540 in IVth PC and were en-masse absorbed as ASMS in Scale 1200-2040. In Vth PC, pay scale of 1200-2040 was given a concordant grade of 4500-7000 and in VIth PC, this grade was given Pay Band I with 2800 GP. This is the entry grade of direct entering into ASMs cadre.

Since the absorption of Traffic Signalers due to abolition of their cadre with ASMs grade is not to be treated as promotion, therefore after completion of 10 years they are to be granted benefit of MACP effective from 01-09-2008.

Sr. DPOs are requested to take action in the matter as directed above and advise this office



accordingly as only BCT division has granted the benefit MACP to such set of employees indicated above.

This issues with the approval of Competent Authority(CPO)."

As against this, the situation, in the instant case, is entirely different. Once the post of A-2 Signaller was abolished, he was offered the alternative post of Coaching Clerk which carried the same pay scale as that of A-2 Signaler and it is only thereafter that he was posted as Assistant Station Master.

4. The applicant relied upon a judgment in respect of Postal Assistant by Hon'ble High Court of Judicature at Madras in Writ Petition No.30629/2014 dated 04.02.2015. In the said Writ, the case of Postal Assistant was adjudicated. In this connection, the Tribunal noticed that the post of Postal Assistant is to be filled up by holding a Limited Departmental Competitive Examination from several categories of Group 'D' staff working in Department of Posts. Under those circumstances, the selection as Postal Assistant on the basis of LDCE, was taken to be the initial appointment.



4.1 In this context, the applicant's had contended that when he appeared in selection from ASM to the post of Station Master, this also is a selection and this also cannot be counted as a promotion. Moreover, applicant had pleaded that he had the eligibility to appear in the said examination and he passed the exam.

4.2. The ratio in the relied upon judgment is in entirely different context wherein the employees from several categories could participate in the examination for the post of Postal Assistant. In normal course those candidates had no avenue of promotion to the post of Postal Assistant.

As against this, in the instant case, selection was only from amongst those who were already working as ASM and they could wait also for their turn for promotion to the post of Station Master against promotion quota vacancies. However, this would have taken longer time. The applicant appeared in LDCE and being successful was posted as Station Master much earlier than the other stream. Accordingly, the ratio of this writ, which is being relied upon by the applicant, is not applicable in the instant case.



4.3 These pleas by the applicant are without any merit. The selection to the post of Station Master was a departmental selection through a faster channel of LDCE where only Assistant Station Masters could participate. The selected candidates were promoted to the post of Station Master. This will count as a promotion.

5. In view of the circumstances, as brought out above, the pleas made by the applicant in this OA are without any merit. The OA is dismissed. There shall be no order as to costs.

(Pradeep Kumar)
Member(A)

(Justice Vijay Lakshmi)
Member(J)

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