

**CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH**

**Original Application No.337/2020**

**Dated this the 30<sup>th</sup> day of September, 2020**

**CORAM:**

**Hon'ble Sh. Jayesh V. Bhairavia, Member (J)**

**Hon'ble Sh. A.K. Dubey, Member (A)**

1. Parshottam Trikam Solanki,  
S/o. Trikam Solanki,  
Age about 59 yrs.,  
Resident of Rohitwas at Koth,  
Taluka – Dholka,  
Ahmedabad – 382 240.

Applicant

(By Advocate Ms.Vilas Purani)

Vs.

1. Union of India,  
(Notice to be served through)  
The General Manager,  
Western Railway,  
Churchgate,  
Mumbai – 400 020.
2. The Divisional Railway Manager (E),  
W.Railway, Bhavnagar Para,  
Bhavnagar – 360 001.
3. Additional Divisional Engineer,  
Nr.Railway Station,  
Western Railway,  
Dist – Bhavnagar  
Botad – 364 710.

Respondents

(By Advocate Mr.M.J.Patel)

**O R D E R (Oral)****Per:Jayesh V.Bhairavia, Member (J)**

1. Learned counsel for the applicant Ms.Vilas Purani submits that the applicant was retired from Railway Service as Gate Keeper w.e.f. 30.11.2013 and his pension was fixed on the basis of the pay scale of Rs.5,200 – 20,200, Pay Rs.10,590 + Grade Pay Rs.2,000 vide PPO dated 15.04.2014 (Annexure A/1). After 3 years of retirement, respondent No.3 vide letter dated 21.11.2016 (Annexure A/2) issued an order for financial upgradation of the applicant under MACP and granted the benefits of 3<sup>rd</sup> MACP in the grade w.e.f. 01.07.2013 (after completion of 31 years of service) and accordingly, the benefit of 3<sup>rd</sup> MACP in Grade Pay of Rs.2,400 + Pay Rs.10,590 = Rs.12,990/- w.e.f. 08.10.2012 was sanctioned vide order dated 21.11.2016 (Annexure A/2). However, 3<sup>rd</sup> financial upgradation in terms of order dated 21.11.2016 has not been given to the applicant till date. It is submitted that the grievances of the applicant was raised before the competent authority i.e. through recognised Union in the month of March, 2017 and thereafter, the applicant has also submitted representation. The last representation submitted by the applicant was on 09.01.2020 (Annexure A/5). DRM, (W.Rly), Bhavnagar and requested for revision of his pay due to fixation of pay as per MACP. Counsel for the applicant submits that since respondents had already declared the applicant as beneficiary of 3<sup>rd</sup> MACP but not received the fruit of it. Under the circumstances, he is compelled to file this O.A.

2. After arguing for some time, the counsel submitted that the applicant will be satisfied, if directions be issued to the respondents for early consideration of his pending representation for revision of pay and issuance of revised PPO.
3. On the other hand, Mr.M.J.Patel, Standing Counsel for Railway on receipt of advance copy submits that if the claim of applicant was not yet decided by the respondents, the same will be considered in accordance with the Rules and the Scheme of MACP as also as per the service record of the applicant.
4. Heard the counsel for both the parties and perused the materials on record. Undisputedly, after the applicant retired and PPO was issued, the respondents vide its order dated 12.11.2016 granted the financial up gradation of 3<sup>rd</sup> MACP in favour of the applicant w.e.f. 08.10.2012 and the increment thereon w.e.f. 01.07.2013. Therefore under the facts and circumstances of the case in hand, we dispose off this O.A. with a direction to the respondents to consider the pending representation of the applicant dated 09.01.2020 (Annexure A/5) to revise his pension in accordance with the order of financial upgradation dated 21.11.2016 (Annexure A/2).
5. In the process of considering the claim of the applicant, if the respondents form a different opinion as to the claim of the applicant, then they shall pass reasoned and speaking order putting forth the ground as to why the said order dated 21.11.2016 shall not be implemented. Respondents are directed to expedite the matter and comply with the directions as above, within 8 weeks from the date of receipt of a copy of this order.

With the above observations and directions, O.A stands disposed off and M.A also stands disposed off.

Registry is directed to send the copy of this order through e-mail to both the parties.

**(Dr.A.K.Dubey)**  
**Administrative Member**

**(Jayesh.V.Bhairavia)**  
**Judicial Member**

SKV