

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/98/2015

HYDERABAD, this the 3rd day of March, 2021



**Hon'ble Mr. AshishKalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member**

P. Vara Prasad,
S/o. Late Veera Raghavaiah,
Hindu, Aged about 63 years,
R/o.D.No.43-140-10/1,
140 Ground, Sivalayam Street,
New Ajit Singh Nagar,
Vijayawada -15.

...Applicant

(By Advocate: Sri J.M. Naidu)

Vs.

1. Union of India rep. by its General Manager / Personnel, South Central Railway, Rail Nilayam, Secunderabad.
2. The Divisional Railway Manager/Personnel, South Central Railway, Vijayawada Division, Vijayawada.

....Respondents

(By Advocate: Sri Bheem Singh for Sri VVN.Narasimham, SC for Rlys.)

ORAL ORDER
(As per Hon'ble Mr. B.V. Sudhakar, Admn. Member)

2. The applicant has filed the OA aggrieved by non-consideration of his appeal dt. 03.04.2014 by the 1st respondent, which was preferred against the orders of the 2nd respondent dt. 27.12.2012 and for a consequential direction to grant fixation of Grade Pay of Rs.2400/- w.e.f. 2008 and release all consequential benefits including refixation of pension.



3. Brief facts of the case are that the applicant while working as Mazdoor was granted temporary status in 1984 and his services were regularised as Gangman in 1995. Thereafter, he was absorbed as Diesel Cleaner (Khalasi) in 1996 and promoted as Khalasi Helper in 1998. From the said position, he was promoted as Diesel Electrical Skilled Technician Grade III with grade pay of Rs.1900 and followed by another elevation to the grade of Diesel Technician Grade II with grade pay of Rs.2000. As per MACP guidelines para 28, applicant is eligible for grade pay of Rs.2400 and for sanctioning the cited grade pay, the issue was taken up in the Pension Adalat, wherein he was informed that he is ineligible. Appeal preferred remained unaddressed and hence the OA.

4. The contentions of the applicant are that the Group C employees with grade pay of Rs.1900 and Rs.2000 are eligible for the grade pay of Rs.2400. Reasons for not granting the grade pay have not been given. As per para 28 of MACP guidelines, applicant is fully eligible. The grade pay from Technician Grade III to Technician Grade II was increased by a paltry sum of Rs.100 without granting any increment. Representations submitted on 26.10.2013 was not replied.

5. Respondents while confirming the career details of the applicant state that the applicant was granted the grade pay of Rs.1900 in Pay Band Rs.5200 – 20,200 when he was promoted to the grade of Technician Grade III in 1999. After 10 years in the said grade, he was granted the 2nd financial up-gradation in the next higher grade pay of Rs.2000 on 28.6.2009 under MACP scheme. Later, when he was promoted as Technician-II, applicant was granted the grade pay of Rs.2400 w.e.f. 28.4.2010, without granting of any increment as per Railway Board letter dated 10.6.2009. However, the difference of grade pay of Rs.400 was allowed as per the cited memo. The applicant has retired on 30.6.2010 and he is not eligible for the relief sought for reasons cited.

6. Heard both the Counsel and perused the pleadings on record.

7. I. The issue is about improper grant of grade pay to the applicant under MACP scheme. Applicant was promoted as Technician grade III in 1999 with grade pay of Rs.1900. As per MACP scheme, applicant was granted the 2nd MACP after stagnating in the grade pay of Rs.1900 for 10 years, in the next higher grade pay of Rs.2000 on 28.6.2009, in the pay band of Rs.5200 -20,200 along with the addition of increment @ 3% of the pay band plus grade pay. This is as provisioned in the MACP scheme. Later, when the applicant got the promotion as Technician Grade – II, in the same pay band with grade pay of Rs.2400, he was paid the difference of grade pay of Rs.400 without any grant of increment as sought by the applicant. The reason can be found in the Railway Board letter dated 10.6.2009 which states that if promotion is given to a post with higher grade pay than what is available in the MACP, then only the difference of

grade pay would be paid and not the increment of 3% of pay band plus grade pay. The applicant was therefore allowed the difference of grade pay (2400-2000 = 400) while fixing the pay in the promoted post of Technician Grade II. The action of the respondents is as per Railway Board memo dated 10.6.2009 which in turn is based on DOPT instructions.



II. The applicant relied on para 28 of MACP guidelines to press for the relief sought. Para 28 deals with the promotion of LDC with grade pay of Rs.1900 to UDC with grade pay of Rs.2400 and the grant of 2nd financial up-gradation with grade pay of Rs.2800, assuming that the promotion was granted from LDC to UDC in 8 years, resulting in grant of 2nd financial up-gradation with grade pay of Rs.2800 after 8+10 =18 years. The said example does not apply to the case of the applicant since he was not promoted on a regular basis to the post with grade pay of Rs.2400 after 8 years. Instead, after 10 years in the grade pay of Rs.1900, he was granted grade pay of Rs.2000, as 2nd financial up-gradation under MACP scheme. Thereafter, as per Railway Board memo dated 10.6.2009, on being promoted as Technician Gr.III with grade pay of Rs.2400, he was allowed the difference of grade pay of Rs.400 and pay fixed. Therefore, para 28 of MACP guideline does not apply to the case of the applicant. It appears that the applicant is expecting the grade pay of Rs.2400 associated with the next hierarchical post, as provided under ACP scheme but not under the MACP scheme. The expectation is reasonable. Similarly Rule 28 (i) & (ii) referred to by the applicant applies to cases where promotion is from grade pay of Rs.1900 to 2400 as per hierarchy and not in respect of the applicant who has to be granted the next higher grade pay of Rs.2000 under MACP.

III. Thus, viewed from any angle, the applicant is ineligible for the relief sought and hence there being no merit in the case, the OA is dismissed with no order as to costs.



(B.V.SUDHAKAR)
ADMINISTRATIVEMEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

/evr/