

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI**

**ORIGINAL APPLICATION Nos.210/2013, 125/2016, 497/2014,
503/2014, 322/2013, 349/2013, 350/2013, 483/2013 and 719/2013**

Dated this Wednesday, the 05th day of February, 2020

**CORAM: R.VIJAYKUMAR, MEMBER (A)
R.N.SINGH, MEMBER (J)**

OA No.210/2013

1. Mahabir Prasad, son of Shri Rameshwar Pasad, age: 60 years, (Date of birth: 21.01.1953), worked as Mail Guard (Retired) with Central Railway, Sr. Station Manager, CST, Mumbai 400 001, and Residing at MS-RB-III/13/10. Rly. Quarter, G.T.B. Nagar, Mumbai 400022.
2. Devanand Sharma, son of Tarachand Sharma, age 60 years, (Date of Birth: 09.11.1952), worked as: Mail Guard (Retired) with Central Railway, Sr. Station Manager, CST, Mumbai 400 001. and Residing at Rockies-I, Bldg No.D-9, Flat No.2, Godrej Hills, Kalyan (West), District :Thane, Pin Code 421301.
3. Vijaykumar Durgaprasad Misar, son of Durgaprasad Ganpati Misar, Age 57 years,(Date of birth: 07.05.1955, worked as: Guard (retired as per Vol. Retirement) with Central Railway, and Residing at : A2-701, Sai Paradise, Barave Road, Kamdar Pada, CIRCI Kalyan (W), District Thane- Pin Code 421301.
4. Amar Singh Rana, son of Shri Ubha Singh Rana, Age 59 years, (Date of Birth: 02.09.1953) working as: Mail Guard with Central Railway, and Residing at : A3-704, Om Shankeshwar Darshan, Near Kala Talab, Kalyan (W), District Thane- Pin Code 421 301.
5. B.A. Ghule, son of Shri A.S. Ghule, Age years, (Date of Birth: 17.05.1957) worked as: Mail Guard with Central Railway, C/o Sr. Station Manager, CST, Mumbai 400 001, and Residing at : MS-RB-III/13/11. Rly. Quarter, G.T.B. Nagar, Mumbai 400022.
6. Bhajan Lal, son of Shri Chhidda Lal, Age 58 years, (Date Birth: 10.10.1954) worked as: Guard "A" Spl. with Central Railway, C/o Sr. Station Manager, CST, Mumbai 400 001, and Residing at: 13, Sameer Apartment, Near Durga Maata Mandir, Kolsewadi, Kalyan (East), District Thane, Pin Code No.421306.
7. Arvindar Singh son of S. Mehar Singh, Age 57 years, (Date of Birth: 20.08.1955) worked as: „Mail Guard with Central Railway, C/o Sr. Station Manager, CST, Mumbai 400 001, and Residing at : RB-III/13/5. C. Railway Colony, G.T.B. Nagar, Sion (East), Mumbai 400 022.

8. Rajendragir Shamgir Goswami, son of Shamgir Goswami, Age 59 years, (Date of Birth: 01.06.1954) worked as: Mail Guard with Central Railway, C/o Sr. Station Manager, CST, Mumbai 400 001, and Residing at RB-III/5/2. C.Railway Colony, G.T.B. Nagar, Sion (East), Mumbai 400 022.

9. Mr. S.A. Siddiqui, son of Late Shri Ahmad Ali, Age 58 years, (Date of Birth: 09.02.1955) worked as: Mail/Exp. Guard with Central Railway, C/o Sr. Station Manager, CST, Mumbai 400 001, and Residing at : RB-III/114, Flat No.01, Central Railway Officers' Colony, Matunga (East), Mumbai 400 019.

10. MULAYAM SINGH son of SHRI RAM PRASAD, Age 57 years, (Date of Birth: 08.09.1955) worked as: Mail Guard with Central Railway, 0/ Sr. Station Manager, CST, Mumbai 400 001, and Residing at : G-III, Murbad Road, Kalyan (West), Railway Quarter, District: Thane (Maharashtra) 421 301.

11. Champakbhai Chhanabhai Patel, son of Chhanabhai Ravjibhai Patel, Age 56 years, (Date of Birth: 10.06.1956) worked/working as: Guard A-Spl. 1972, with Central Railway, C/o Sr. Station Manager, CST, Mumbai 400 001, and Residing at : Gagan Solitaire, C-701, Viva Jangid, Near Samrat Empire, Manvel Pada, Virar (East), District Thane. 401 305.

12. BALWANT SINGH RATHOD, son of Chhanabhai Ravjibhai Patel, Age 59 years, (Date of Birth: 18.03.1954) worked/ working as: Mail Guard, with Central Railway, C/o Sr. Station Manager, CST, Mumbai 400 001, and Residing at : MS- RB-III/ Bldg.No.1, Room No.3, First Floor, Sir J.J. Road, Byculla, Mumbai 400008.

13. V. B. KHARAT, son of Bramhadeo Dasharath Kharat, Age 58 years, (Date of Birth: 21.03.1955) worked/working as: Mail Guard, with Central Railway, Office of Sr. Station Manager, Main Line, CST, Mumbai 400 001, and Residing at :398/4632, 5A, Tagor Nagar, Vikhroli (East), Mumbai 400083.

14. Laxminarayan Yadav, son of Late Sujan Singh Yadav, Age 53 years, (Date of Birth: 20.12.1959) worked/working as: Mail Guard, with Central Railway, C/o Sr. Station Manager, CST, Mumbai 400 001, and Residing at : L.N. Yadav, Room No.103, 1st Floor, Shiv Sai Building, Saint Namdeo Path, Near D.N.S. Bank, Dombivli (East), Dist. Thane 421 201.

15. PADAM BAHADUR LAMA son of SHRI BISHNU PRASAD LAMA, years, (Date of Birth: 16.09.1956) worked/working as: Mail/Exp. Guard, with Central Railway, C/o Sr. Station Manager, CST (Main Line), Mumbai 400001, and Residing at : Railway Block III/B/7. First Floor, Barkley Place, J.J. Road, Byculla, Mumbai 400008.

16. THANNIMALAYIL CHACKO VARGHESE, son of Thannimalayil Ulahannan Chacko, Age years, (Date of Birth: 19.12.1960) worked/working Mail/Exp Guard, with Central Railway, C/o Sr. Station Manager, CST, Mumbai 400 001, and Residing at : Flat No.208, The Ankoor C.H.S., Rambaug Lane No.2, Bhujbal Wadi, Kalyan (West), District- Thane 421 301.

17. Anand Bhargava, son of Shri G.P. Sharma, Age 47 years, (Date of Birth: 21.05.1965) worked/working as: Sub- GD "A", with Central Railway, C/o Sr. Station Manager (Sub), CST, Mumbai 400 001, and Residing at: Zinnia C.H.S. A-7/13, Godrej-Mill Compound, Kalyan (West), District : Thane, 421 301.

18. NARESH DEORAO GONDOLE, son of Deorao Dadhu Gondole, Age 48 years, (Date of Birth:02.12.1964) worked/working as: Mail Guard, with Central Railway, C/o Sr. Station Manager, CST, (Main Line), Mumbai 400 001, and Residing at : 301, Third Floor, Telwane Tower, Kulgaon, Badlapur (East), 401 503.

19. SANJAY MITTAL, son of Dr. N.C. Mittal, Age 47 years, (Date of Birth: 24.09.1965) worked/working as: Mail Guard, with Central Railway, C/o Sr. Station Manager, CST- Main Line, Mumbai 400 001, and Residing at : D.4/301, Kailash, Lok Dhara, Kalyan (East), District Thane : 421 306.

20. ANIL KUMAR GUPTA, son of Late Krishna Ram, Age 47 years, (Date of Birth: 01.07.1965) worked/working as: Mail Guard, with Central Railway, C/o Sr. Station Manager, CST- Main Nagar, Mumbai 400 001, and Residing at : A/12/204, Nilgiva, Lokdhara, Kalyan (E), District : Thane - 421 306.

21. UMESH PRATAP SINGH Son of Shri Balram Singh, Age 48 years, (Date of Birth: 01.08.1965) worked/working as: Guard (Sub), with Central Railway, C/o Sr. Station Manager, CST (Suburban), Mumbai 400 001, and Residing at : Ambika Complex, A-103, Meditiya Nagar, Phase-I, P.K. Road, Mira Road (E), District Thane - 401 105.

22.VIVEK RANJAN SAHAI, son of Virendra Sahai, Age 47 years, (Date of Birth: 30.10.1966) worked/working as: Guard "A" Sub. with Central Railway, C/o Sr. Station Manager, CST(Sub), Mumbai 400 001, and Residing at 201, Kalpataru Apartment, Opp. Roshan Petrol Pump, Murbad Road, Kalyan (West), District - Thane: 421 301.

23. SANJAY KUMAR PRASAD, son of Late Surya Shekhar Prasad, Age 46 years, (Date of Birth: 15.11.1966) worked/working as: Mail Guard, with Central Railway, C/o Sr. Station Manager, CST, Mumbai 400 001, and Residing at : C-8/29, NILE-III, Godrej Hill, Barve Road, Kalyan (West), District: Thane, State of Maharashtra, Pin Code 421 301.

24. DAYAL CHAND, son of Late Sita Ram, Age years, (Date Birth: 26.05.1964) worked/working as: Mail Guard, with Central Railway, C/o Sr. Station Manager, CST, Mumbai 400 001, and Residing at : TYD-40 RLY Quarters, Near Rly Hospital, Kalyan (East), District : Thane, Maharashtra State, Pin Code 421 301.

25. AJAYKUMAR RAMCHANDRA JAGDALE, son of Ramchandra Sitaram Jagdale, Age 48 years, (Date of Birth: 14.04.1964) worked/working as: Mail Guard, with Central Railway, 0/ Sr. Station Manager, CST, Mumbai 400 001, and Residing at : 27/13, Matchiswala Chawl, Swadeshi Mills Road, Sion-Chunabhatti (East), Mumbai 400 022.

26. PREM KUMAR SHUKLA, son of Mr. Ganesh Prasad Shukla, Age 48 years,

(Date of Birth: 20.02.1965) worked/working as: Sr. Pass. Guard (SUB), with Central Railway, C/o Sr. Station Manager, CST (Sub), Mumbai 400 001, and Residing at : 09, Shivesh Apartment, Chinchpada Road, Kalyan (East), District Thane Pin Code 421 306.

27. UMESH SHRIPAD KUBAL, son of Shripad S. Kubal, Age 47 years, (Date of Birth: 23.07.1965) worked/working as: Guard "A" (Sub), with Central Railway, C/o Sr. Station Manager, CST (Sub), Mumbai 400 001, and Residing at: A/504, Pratik Apartment, Ramchandra Nagar No.3, Vaity Wadi, Naer Nitin Co. Thane (West), Pin Code 400 604.

28. DINESH RAMCHANDRA AHIRE, son of Ramchandra K. Ahire, Age 44 years, worked/working as: Mail Guard, with Central Railway, C/o Sr. Station Manager, CST, Main Line, Mumbai 400 001 and Residing at : Row House No.44, Royal Park, Morivali, Near Navare Nagar, Ambarnath (East) 421 501.

29. SUDHAKAR BHOJU BAVISKAR, son of Bhoju Sakharam Baviskar, Age 48 years, (Date of Birth: 01.03.1965) worked/working as: Mail Guard, with Central Railway, C/o Sr. Station Manager, CST-Main Line, Mumbai 400001, and Residing at : Room No.8, Chawl no.1, Datta Colony, Behind Pote Apartment No.1, Tisgaon Road, Jimmy Baug, Kalyan (East), District Thane. Pin Code 421 306.

30. BIMLENDRA PATHAK, son Janardan Pathak, age 47 years, (Date of Birth: 01.07.1965) worked/working as: Mail Guard, with Central Railway, C/o Sr. Station Manager, CST, Mumbai 400 001, and Residing at : MS-RBII 05/15, New Railway Quarters, Road No.7, Vidyavihar, Ghatkopar (East), Mumbai 400 077.

31. BALJINDER SINGH, son of Himmat Singh, Age 56 years, (Date of Birth: 11.06.1957) worked/working as: Mail/Exp. Guard, with Central Railway, C/o Sr. Station Manager, CST (Main Line), Mumbai 400 001, and Residing at : 75/ RB/III/G.T.B. NAGAR, Koliwada, Mumbai 400 022.

32. LAL HAMANT, son of KISHAN, Age 56 years, (Date of Birth: 28.01.1957) worked/working as: Mail/Express Guard, with Central Railway, C/o Sr. Station Manager, CST, Mumbai 400 001, and Residing at : Plot No.11/12, Vijay Enclave, Vijay Paradise Society, Gokhivare, Vasai (East), District Thane.

- Applicants.

Versus

1. The Union of India, Through The Chairman, Railway Board. Rail Bhavan New Delhi 110 011.
2. General Manager, Central Railway, Headquarters Office, CSTM, Mumbai 400 001.
3. Chief Personnel Officer, Central Railway, Headquarters Office, CSTM, Mumbai 400 001.

4. The Divisional Railway Manager (DRM) DRM's Office, Central Railway, CSTM, Mumbai 400 001.

- Respondents.

OA No.125/2016

1. SANJAY DHARMADHIKARI, (son of PURUSHOTTAM DHARMADHIKARI), Date of Birth: 04.04.1964, Age: 52 years), working as : Senior Passenger Guard ("C" Post), under Area Manager, Western Railway, churchgate, Headquarters Office, Mumbai 400020, and residing at: A/2, Ground Floor, Om Shriram Sadan, M.B. Estate, Virar, Taluka-Vasai, District – Palghar, State Maharashtra, Pin Code - 401 303.

2. PRASHANT V. VASAIKAR, (son of VASANT MADAN VASAIKAR), Date of Birth: 02.12.1962, Age: 53 years), working as : Senior Passenger Guard ("C" Post), under Area Manager, Western Railway, Churchgate, Headquarters Office, Mumbai 400020, and residing at: 13/14, 1st Floor, OM Sai Nagar CHS, Above MSEB Office, Virar (East), Taluka-Vasai, District Palghar, State Maharashtra, Pin Code 401 305.

3. SWAMIDUTT PANDEY, (son of GAYADUTT PANDEY), Date of Birth: 12.12.1958, Age: 57 years), working as : Senior Passenger Guard ("C" Post), under Area Manager, Western Railway, Churchgate, Headquarters Office, Mumbai 400020, and residing a/303, JANKI Avenue Co.operative Housing Society, Aazad Nagar, Bhayander (East), District Thane, State Maharashtra, Pin Code - 401 305.

4. CHELLAPPAN PREM ANAND, (son of J.D. CHELLAPPAN), Date of Birth: 05.05.1963, Age: 53 years), working as : Senior Passenger Guard ("C" Post), under Area Manager, Western Railway, Churchgate, Headquarters Office, Mumbai 400020, and residing at: 13B-103, Kishor Kunj No.4, Virar (West), Post Virar, Taluka-Vasai, District - Palghar, State Maharashtra, Pin Code – 401305.

5. PRADIP YALLATIKAR, (son of W.L. YALLATIKAR), Date of Birth: 17.10.1961, Age: 54 years), working as : Senior Passenger Guard ("C" Post), under Area Manager, Western Railway, Churchgate, Headquarters Office, Mumbai 400020, and residing at: 101, 1ST Floor, Millennium Park, Hari OM Nagar, Mulund (East), Mumbai 400081, State Maharashtra.

6. MURALIDHARAN M.M. (son of Madhavan Nair), Date of Birth: 12.09.1964, Age: 51 years), working as : Senior Passenger Guard ("C" Post), under Area Manager, Western Railway, Churchgate, Headquarters Office, Mumbai 400020, and residing at: 16/243, Sun View Co-operative Housing Society, Sion Koliwada, Mumbai 400020, Maharashtra.

7. BRAJESH GOSWAMI, (son of Shri Jag Jivanlal Goswami), Date of Birth: 21.04.1965, Age: 51 years), working as : Senior Passenger Guard ("C" Post), under Area Manager, Western Railway, Churchgate, Headquarters Office, Mumbai 400020, and residing at: C-102, 1st Floor, Purvi, Sector-10, Vasant Nagri, Post Vasai (East), Taluka-Vasai, District – Palghar, State Maharashtra, Pin Code - 401 208.
8. RAMESH AMRUT PATIL, (son of AMRUT S. PATIL), Date of Birth: 01.03.1971, Age: 45 years), working as : Senior Passenger Guard ("C" Post), under Area Manager, Western Railway, Churchgate, Headquarters Office, Mumbai 400020, and residing at: A-202, 2nd Floor, Krishna, Dwarka Nagari, Kalyan (East), Santosh Nagar, Tisgaon, District-Thane, State Maharashtra, Pin Code- 421 306.
9. RAJESH KUMAR SINGH, (son of KARNAIL SINGH), Date of Birth: 21.11.1961, Age: 54 years), working as : Senior Passenger Guard ("C" Post), under Area Officer, Western Railway, Churchgate, Headquarters Office, Mumbai 400020, and residing at: B-45, Flat No.203, Sector-1, Shantinagar, Mira Road, District-Thane, State Maharashtra, Pin Code 401 107.
10. BRAJ PRASAD MISHRA, (son of Shri Radhey Shyam Mishra), Date of Birth: 01.08.1957, Age: 58 years), working as : Senior Passenger Guard ("C" Post), under Area Officer, Western Railway, Churchgate, Headquarters Office, Mumbai 400020, and residing at: A-303, 3rd Floor, Syndicate Bank Staff, Anand CHS, Rawal Pada, Dahisar, Mumbai Pin Code 400068.
11. NASEEM AHMED (son of Mohammed Hanif), Date of Birth: 25.05.1960, Age: 56 years), working as Senior Passenger Guard ("C" Post), under Area Officer, Western Railway, Churchgate, Headquarters Office, Mumbai 400020, and residing at: Flat No."A", Ground Floor, Western Railway Colony, Bldg. No.149, Bandra (West), Mumbai 400050, State Maharashtra.
12. MAHESH SHARADCHANDRA V. REKHI (son of SHARADCHANDRA REKHI), Date of Birth: 16.07.1961, Age: 55 years), working as : Senior Passenger Guard Post), under Station Superintendent, Mumbai Central Station (Main) Western Railway, Mumbai Central Mumbai 400008 and residing at: Flat No.C-208, 2nd Floor, Royal Park-III, Ramedi Road, Vasai, Taluka Vasai, District - Palghar, State Maharashtra
13. SAYED ASIF ALI, (son of SAYED ASGAR ALI), Date of Birth: 05.08.1967, Age: 48 years), working as : Senior Passenger Guard ("C" Post), under Area Manager, Western Railway, Churchgate, Headquarters Office, Mumbai 400020, and residing at: B-203, 2nd Floor, Heera Panna Building, Nallasopara (West), Taluka Vasai, District -Palghar, State Maharashtra, Pin Code - 401203.

14. SANJAY NANDKISHORE GUPTA, (son of NANDKISHORE M. GUPTA), Date of Birth: 05.09.1968, Age: 47 years), working as : Senior Passenger Guard ("C" Post), under Area Manager, Western Railway, Churchgate, Headquarters Office, Mumbai 400020, and residing at: C-61, 3RD Floor, Ganjawala Apartment No.02, Borivali (West), S.V.P. Road, Mumbai – 400092.

15. SHIVAJI RAMCHANDRA SHAVARDE (son of Late Ramchandra Babu Savarde), Date of Birth: 01.03.1954, Age: 61 years), working as : Senior Passenger Guard ("C" Post), under Area Officer, Western Railway, Churchgate, Headquarters Office, Mumbai 400020, and residing at: Flat No.603-C-Wing, 6th Floor, Mansarovar, New Mhada Colony, Dindoshi, Near NNP, Goregaon (East), Mumbai-400 065.

- Applicants.

Versus

1. The Union of India, Through The Chairman, Railway Board. Rail Bhavan New Delhi 110 011.

2. General Manager, Central Railway, Headquarters Office, CSTM, Mumbai 400 001.

3. Chief Personnel Officer, Central Railway, Headquarters Office, CSTM, Mumbai 400 001.

4. The Divisional Railway Manager (DRM) DRM's Office, Central Railway, CSTM, Mumbai 400 001.

-Respondents.

OA No.497/2014

1. Deepak Kumar Upadhyay, son of Hariday Narayan Upadhyay, Date of Birth 10.05.1969, Age 45 years, working as : Senior Passenger Guard (Group "C" post), under Station Manager, ARO, Churchgate Railway Station, Western Railway, Mumbai 400020, and residing at Riddhi, D- 01/102, Vasant Nagari-II, Vasai (East), District-Thane, State of Maharashtra, Pin Code No.401 208.

2. Surya Prakash Khare, son of Shri Mahendra Kumar Khare, Date of Birth: 20.11.1966, Age 48 years, working as : Chief Booking Clerk (Decategorized from Senior Passenger Guard (Group "C" post), under Senior DCM (Divisional Commercial Manager)-BCT, CTCW Cash and Pay Office, Churchgate, Western Railway, Churchgate Railway Station, Mumbai 400020, and residing at: 201/A, Sanskriti Apartment, New Link Road, Near UCO Bank, Nallasopara (East), District- Thane, State of Maharashtra, Pin Code No.401209.

3. Rajendra Kakkar, son of Manohar Lal Kakkar, date of Birth 12.06.1965, Age years, working as Senior : Passenger Guard (Group "C" post), under Station Manager, ARO, Churchgate Railway Station, Western Railway, Mumbai 400020, and residing at: 1-A/304, Gayatri Darshan CHS, Near Saraswati School, Tulinj Road, Nallasopara (East), District-Thane, State of Maharashtra, Pin Code No.401209.

4. Virendera Upadhyay, son of Balkrishna Upadhyay, Date of Birth 01.01.1965, Age Senior years, working as Passenger Guard (Group "C" post), under Station Manager, ARO, Churchgate Railway Station, Western Railway, Mumbai 400020, and residing at: 03/103, Rashmi Divya Complex, 100 Feet New Link Road, Near Gagan Dream Building, Vasai (East), Post- Office- Nallasopara, District- Thane, State of Maharashtra, Pin Code No.401 209.

5. Sandeep Krishna Sawant, son of Krishna Dulaji Sawant, Date of Birth : 28.06.1965, Age - 49 years, working as : Senior Passenger Guard (Group "C" post), under Station Manager, Mumbai Central, Western Railway, Mumbai 400008, and residing at: 603, Indrapuri, Sodawala Lane, Borivali (West), Mumbai 400 092.

6. Shaikh Abdul Nadeem, son of Abdul Karim, Date of Birth: 10.05.1967, Age - 47 years, working as : Senior Passenger Guard (Group "C" post), under Station Manager, Mumbai Central, Mumbai 400008, residing at: Western Railway Quarters No.5/T/B, Opp. Bandra Railway Station, Bandra (West), Mumbai 400050.

- Applicants.

Versus

1. The Union of India, Through The Chairman, Railway Board. Rail Bhavan New Delhi 110 011.

2. General Manager, Western Railway, Headquarters Office, Churchgate, Mumbai 400020.

3. Chief Personnel Officer, Western Railway, Headquarters Office, Churchgate, Mumbai 400020.

- Respondents.

OA No.503/2014

1. Rajinder Singh Bhamb, son of Joginder Singh Bhamb, Date of Birth 14.09.1965, Age 50 years, working as : Senior Passenger Guard (Group "C" post), under Station Manager, ARO, Churchgate Railway Station, Western Railway, Mumbai 400020, and residing at: 11/C-9, Jeevan Srushti CHSL, LIC Colony, Behind LIC Shopping Centre, Borivali (West), Mumbai 400103.

2. Daulat Kumar Sharma, Date of Birth: 14.08.1965, Age 48 years, working as : Guard (Group "C" post), under ARO, Churchgate Railway Station, Churchgate, Mumbai Division, Mumbai 400020 and residing at: D/105, Tirupati CHS Ltd., In-front-of Shriram Jewelers, Navghar Road, Bhayandar (East), District Thane, State of Maharashtra, Pin code: 401 105.

3. Rajendra Singh Yadav, son of Late Shri Ranvir Singh Yadav, Date of Birth : 22.07.1965, Age- 49 years, working as : Senior Passenger Guard (Group "C" post), under Station Superintendent, Surat Railway Station, Western Railway

(Gujarat), pune residing at: 93/41, Happy Home Estate, Poonam Sagar, Mira Road (District: Thane), Maharashtra.

4. Omprakash R. Bhoware, son of Ramkrishna T. Bhoware, Date of Birth 12.02.1964, Age 50 years, working as : Senior Passenger Guard (Group "C" post), under Station Manager, ARO, Churchgate Railway Station, Western Railway, Mumbai 400020, and residing at: Rishi Sadan, Flat No.404, Near Rahul Internatinal School, Chakradhar Nagar, Nallasopara (East), District-Thane, State of Maharashtra, Pin Code No.401 203.

5. Dilip Kumar, son of Ramcharan, Date of Birth 01.05.1963, Age -51 years, working as : Senior Passenger Guard (Group "C" post), under Station Manager, ARO, Churchgate Railway Station, Western Railway, Mumbai 400020, and residing at: Gayatri Darshan Co-op. Hsg.Soc. Building No.1/A/203, Near Saraswati School, Tulinj Road, Nallasopara (East), District-Thane, State of Maharashtra, Pin Code No.401 209.

6. Tarunprakash N. Pachauri, son of Navalkishor Pachauri, Date of Birth: 08.10.1965, Age - 48 years, working as : Senior Passenger Guard (Group "C" post), under Station Manager, Mumbai Central, Western Railway, and residing at: A-103, Gayatri Darshan Apartment, Near Saraswati School, Tulinj Road, Nallasopara (East), District Thane Pin Code 401209.

7. Jayendra Pundalik Prabhu, son of Pundalik Vaman Prabhu, Date of Birth: 10.12.1965, Age 48 years, working as : Senior Passenger Guard (Group "C" post), under Station Manager, Mumbai Central, Western Railway, and residing at: A/301, Baria Unique, Building No.10, Tirupati Nagar, Phase- II, Unitech Road, Bolinj, Virar (W) 401 303, Dist - Thane 401 303.

8. S. Achary Ramesh Kumar M.A. Son of M.C. Ayyappan Achary, Date of Birth :15.04.1967, Age - 47 years, working as : Senior Passenger Guard (Group "C" post), under ARO, Churchgate Railway Station, Western Railway, Mumbai 400020 and residing at: B2/203, Prabhath Complex, Poonam Nagar, Behind Y.K. Nagar, Bolinj, Virar (West), Thane, Maharashtra State, Pin Code 401303.

9. Babulal Verma, son of Kesharilal Verma, Date of Birth: 07.03.1960, Age - 54 years, working as : Mail Express Guard (Group "C" post), under Station Manager, Mumbai Central, Western Railway, and residing at: A-303, Jai Mansarovar Building, Achole Road, Nallasopara (East), District - Thane, Maharashtra State, Pin Code - 401209.

10. Mathuria Kamlesh B. son of Baburam Mathuria K., Date of Birth 26.04.1966, Age - 48 years, working as : Senior Passenger Guard (Group "C" post), under Station Manager, Mumbai Central, Western Railway, and residing at: Nazerath Apartment, Flat No.16, Ground Floor, Bhagoji Keer

Marg, Mahim, Mumbai 400016.

11. Shreeram Meena, son of Shri Ramjilal Meena, Date of Birth 03.01.1960, Age 55 years, working as : Mail Express Guard (Group "C" post), under Station Manager, Mumbai Central, Western Railway, and residing at: Room No.901, Sitaram CHS Limited, Chakradhar Nagar, Nallasopara (West), District: Thane, Maharashtra State, Pin Code – 401302.

12. Rajesh Kumar Gupta son of Rameshwar Lal Gupta, Date of Birth : 22.07.1968, Age 46 years, Working as : Senior Passenger Guard (Group "C" post), under Station Manager, Mumbai Central, Western Railway, and residing at: Gayatri Darshan C.H.S., Near Saraswati School, Tulinj Road, Nallasopara (East), District - Thane 401 209.

13. Mohan Lal Jat, son of Late Shri Ishwar Ram Jat, Date of Birth : 16.10.1964, Age - 50 years, working as : Senior Passenger Guard (Group "C" post), under Station Manager, Mumbai Division, Mumbai Central, Western Railway, and residing at: 405, Sai Orchid, Nanakwada, Halar, Valsad, Gujarat 396 001.

14. Ratan Lal Choudhary, son of Late Jawahar Lal Choudhary, Date of Birth: 12.01.1966, Age - 48 years, working as : Mail Express Guard (Group "C" post), under Station Manager, Mumbai Central, Western Railway, and residing at: 204, Rishi-sadan, Near Mahaveer Apartment, Chakradhar Nagar, Nallasopara (West), District- Thane, Maharashtra State, Pin Code 401203.

15. Kishor Kumar Rajpurohit son of Sardar Singh Rajpurohit, Date of Birth : 08.02.1965, Age - 49 years, working as Senior Passenger Guard (Group "C" post), under Station Superintendent, Surat Railway Station, Western Railway (Gujarat), and residing at: 5, Satyam Row House, Near SAT- Temple, Police H.Q. Road, Abrama, Valsad (East), Gujarat 396 001.

16. Shaikh Ansar Ahmed son of Nisar Ahmed A., Date of Birth : 27.11.1967, Age 47 years, working as : Senior Passenger Guard (Group "C" post), under Station Superintendent, Surat Railway Station, Western Railway (Gujarat), and residing at: 16, Garibnawaz Housing Society, Police Headquarter Road, Abrama, Valsad (East), Gujarat 396 001.

17. Ramavttar Ambalal Sharma son of Ambalal B. Sharma, Date of Birth 15.06.1967, age - 47 years, working as : Mail Express Guard, (Group "C" post), under Station Superintendent, Surat, Western Railway, and residing at: 404, Kallol Apartment, B/4, Kalindi Apartment, Halar, Valsad (Gujarat State), Pin Code 396001.

18. Mithlesh Kumar Sharma, son of Rameshwar Prasad Sharma, Date of Birth : 26.06.1965, Age - 49 years, worked / working as : Senior Passenger Guard (Group "C" post), under Station Superintendent, Surat Railway Station, Western Railway (Gujarat), and residing at: 801, Sai Natika Apartment, Civil Road, Nanak Wada, Valsad (East), Gujarat 396 001.

19. Akhilesh Bhagwati Prasad Saraswat, son of Sh. Bhagwati Prasad Saraswat, Date of Birth: 01.08.1968, Age 46 years, working as : Mail Express Guard (Group "C" post), under Station Manager, Surat Railway Station, Western Railway (Gujarat), and residing at: B2/702, Shambhu Nath Complex, Haler Road, Valsad, State Gujarat 396 001.

20. Rabindra B. Sahu, son of Biswanath J. Sahu, Date of Birth: 12.12.1966, Age - 48 years, working as : Senior Passenger Guard (Group "C" post), under Station Manager, Mumbai Central, Western Railway, and residing at: 9/603, Iris-Mayfair Virar Garden Kharodi Naka, Virar Agashi Road,. Virar (West), Thane, Maharashtra State, Pin Code – 401303.

21. Raghunath Ram, son of Shiv Nandan Ram, Date of Birth: 07.02.1965, Age - 49 years, working as : Mail Guard, BCT (Group "C" post), under Station Manager, Mumbai Central, Western Railway, and residing at: A/102, Mausam Apartment, Vishal Nagar, Vasai (West), District- Thane, Maharashtra State, Pin Code 401202.

22. Ashok Kumar Jangid son of Ramji Lal, Date of Birth : 01.10.1967, Age - 47 years, working as : Senior Passenger Guard (Group "C" post), under Station Superintendent, Surat Railway Station, Western Railway (Gujarat), and residing at: 303, B/2, Shambhunath Comp., VAshi Falia, Halar, Valsad (East), Gujarat 396 001.

23. Laxman Singh Kachhwaha, son of Hari Singh Kachhwaha, Date of Birth : 12.04.1964, Age -50 years, working as : Mail Express Guard, (Group "C" post), under Station Superintendent, Surat Railway Station, Western Railway (Gujarat), and residing at: 603, Shambhunath Complex, B-1, Vashi Falia Halar, Valsad, Gujarat 396001.

24. Mahaveer Prasad Meena, Date of Birth: 18.06.1967, Age 47 years, working as : Guard (Group "C" post), under Station Superintendent, Phulera, and residing at: Plot No.135, Kamla Nehru Nagar, Hasanpura Jaipur, State of Rajasthan, Pin Code – 400006.

25. Venugopalan N. son of A.P.N. Nambir, Date of Birth: 20.04.1967, Age - 47 years, working as : Senior Passenger Guard (Group "C" post), under Station Manager, Coonoor Railway Station, Southern Railway, SALEM Division, and residing at: Door No.24, Railway Quarters, Coonoor Nilgiri, Tamil Nadu.

26. Sarwar Hussain Sheikh, son of Nizamuddin Sheikh, Date of Birth 30.03.1961, Age 53 years, working as : Senior Passenger Guard (Group "C" post), under Station Manager, ARO, Churchgate Railway Station, Western Railway, Mumbai 400020, and residing at: 005, Gagangiri Apartment, Near Kanch Bungalow, Veer Savarkar Road, Virar (East), District-Thane, State of Maharashtra, Pin Code No.401 305.

27. Balkrishna Maruti Nalawade, son of Maruti Nana Nalawade, Date of Birth: 15.06.1964, Age 50 years, working as : Senior Passenger Guard (Group "C" post), under Station Manager, ARO, Churchgate Railway Station, Western Railway, Mumbai 400020, and residing at: 70/H, Railway Quarters, Tejpal Road, Vile Parle (East), Mumbai 400057

28. Bhagubhai Babubhai Patel, son of Babubhai Somabhai Patel, Date of Birth 01.06.1961, Age 53 years, working as : Senior Passenger Guard (Group "C" post), under Station Manager, ARO, Churchgate Railway Station, Western Railway, Mumbai 400020, and residing at: Railway Colony, Building No.47/9, Kasturba Road, Near Cinemax, Kandivali (West Mumbai 400067.

29. Leela Ram Meena, of son of Rameshwar Dayal Meena, Date of Birth 01.12.1963, Age 51 years, working as : Senior Passenger Guard (Group "C" post), under Station Manager, ARO, Churchgate Railway Station, Western Railway, Mumbai 400020, and residing at: F-5, Vandana Sadan, Manvel Pada Road, District-Thane, State of Maharashtra, Pin Code No.401 305.

30. Prakash Suresh Suryavanshi, son of Suresh Shankarrao Suryavanshi, Date of 48 years, Birth 27.10.1966, Age working as : Senior Passenger Guard (Group "C" post), under Station Manager, 14 ARO, Churchgate Railway Station, Western Railway, Mumbai 400020, and residing at: 1- Agripada Rly Quarters No.46, Flat No.8, 2nd Floor, Mumbai Central, Mumbai 40008.

31. Sudhakar Prabhakar Shrimawale, son of Prabhakar Narayan Shrimawale, Date of Birth 10.05.1965, Age – 49 years, working as : Senior Passenger Guard (Group "C" post), under Station Manager, ARO, Churchgate Railway Station, Western Railway, Mumbai 400020, and residing at: Mrudang, C-204, Sector-1, Vasant Nagari, Vasai (East), District-Thane, State of Maharashtra, Pin Code No.401208.

32. Ommi Kapoor, son of Shri Raj Kumar Kapoor, Date of Birth : 17.10.1965, Age 48 years, working as : Senior Passenger Guard (Group "C" post), under Station Superintendent, Mumbai Central, Western pune Divisional Railway Manager Office, Railway Mumbai Central, Western Railway, Mumbai, and

residing at: Rly. Staff Quarter No.44/11, Kandivali (West), Opp. Sarover Hotel, Kandivali (West), Mumbai 400067.

- Applicants.

Versus

1. The Union of India, Through The Chairman, Railway Board. Rail Bhavan New Delhi 110 011.
2. General Manager, Western Railway, Headquarters Office, Churchgate, Mumbai 400020.
3. Chief Personnel Officer, Western Railway, Headquarters Office, Churchgate, Mumbai 400020.
4. Divisional Railway Manager (DRM) DRM's Office, Western Railway, Mumbai Central, Mumbai 400 008.

- Respondents.

OA No.322/2013

1. Shri Mohammed Azimullah Usman Age about 48 years Working as, Sr PassGuard, Churchgate, Mumbai Division, Western Railway, Under Area Officer Churchgate, Western Railway, Mumbai- 400 020. Residing at 112/H, Western Railway Quarters, Behind Rly. Police Station, Bandra (West), Mumbai- 400 050

- Applicant.

Versus

1. Union of India, Through General Manager, Western Railway, Churchgate, Mumbai- 400 020.
2. The Divisional Railway Manager Western Railway, Mumbai Central, Mumbai- 400 008.
3. The Senior Divisional Personnel Officer Western Railway, Mumbai Central, Mumbai- 400 008.

- Respondents.

OA No.349/2013

1. Koonan James Abraham, S/o K.P. Abraham, Age 49 years, Occ. Service, R/o 107/A, Sai Tukaram CHS, Rambaug Lane No.4, Kalyan (West)-421301 Thane Dist. (Mah. St.)
2. Sathinadhan K. S/o C. Paramu Nair, Age 49 years, Occ. Service, R/o 3/B, 302, Neelsankalp CHS, Plot-38, Sector-5, New Panvel, Navi Mumbai-410206
3. Antony Clifford Falleiro S/o Clifford Falleiro, Age 46 years, Occ. Service, R/o

504, Akash Ganga, MTNL Road, Opp. Jangid Tower, Mira Road (East)-401107 Thane Dist. (Mah. St.)

4. Vipin Bihari Vijay S/o Manmohan Vijay, Age 47 years, Occ. Service, R/o B-502, Mohan Paradise Phase-1, Wayle Nagar, Kadakpada, Kalyan (West)-421301 Thane Dist. (Mah. St.)

5. Harnarayan Diwaker S/o Nandlal Diwaker, Age 53 years, Occ. Service, R/o B/703 Bldg. No.3, Shankhleshwar, Presidency, Tawripada, Kalyan (West)-421301 Thane Dist. (Mah. St.)

6. Vivek Dattray Karandikar S/o Dattatray K. Karndikar, Age 48 years, Occ. Service, R/o 105, New Sarvoday Pooja CHS, Patharli Road, Opp. Shiv Mandir, Dombivli East-421201 Thane Dist. (Mah. St.)

7. Kalooram Meena S/o Fateh Singh Meena, Age 45 years, Occ. Service, R/o C-1/402, Tripura CHS, Lok Dhara, Kalyan East-421306 Thane Dist. (Mah. St.)

8. Krishnakumar Mishra S/o R.C. Mishra, Age 50 years, Occ. Service, R/o 6-Shivdarshan Apartment, Krishna Complex, Chinchpada Road, Near Saket College, Kalyan (East)-421301 Thane Dist. (Mah. St.)

9. Surendra Pratap Singh S/o Uma Shankar Singh, Age 47 years, Occ. Service, R/o B-404, Vrundavan Park, Plot No.9, Sector-34, Kamothe, Panvel-410209 Raighad Dist. (Mah. St.)

10. Alok Chakraborty S/o Sachindranath Chakraborty, Age 46 years, Occ. Service, R/o 5, Apoorva Sagar CHS, Arjun Sagar Complex, Kulgaon, Badlapur (East)-421503

11. Ashokan K.V. S/o P. Balan Nair, Age 45 years, Occ. Service, R/o A-601, Kalpataru Arcade, Sector-4, New Panvel(E)-410206 Raigad Dist. (Mah. St.)

12. Kankambaran C.N. S/o C.K. Narayanan, Age 48 years, Occ. Service, R/o B-404, Vrundavan Park, Plot No.9, Sec.34, Kamothe, Panvel-410209 Raighad Dist. (Mah. St.)

13. Ishwarchand Gupta S/o Khoobchand Gupta, Age 52 years, Occ. Service, R/o 13, Shivesh Apartments, Pandurang Nagar, Chinchpada, Near BSNL Telephone Exchange, Kalyan (East)-421301 Thane Dist. (Mah. St.)

14. Horilal Mehra S/o Himmat Singh Mehra, Age 47 years, Occ. Service, R/o 301, A/5 Shree Complex, Barawe Road, Kadakpada, Kalyan (West)-421301 Thane Dist. (Mah. St.)

15. Bajranglal Meena S/o Birbalram Meena, Age 49 years, Occ. Service, R/o 506, Chandrabhaga Tower, Near Shree Complex Chowk, Adharwadi Jail Road, Kaliwali, Kalyan (West)-421301 Thane Dist. (Mah. St.)

(Office Address of all applicants Sr. Station Manager's Office, Mumbai CST, Mumbai-400001.)

- Applicants.

Versus

1. Through General Manager, CSTM, Union of India CST, central Railway, Mumbai-1.
- 2) Railway Board Through the Secretary, Ministry of Railways, New Delhi-10001
3. The Chief Personnel Officer, Central Railways, CST, Mumbai-400001.

- Respondents.

OA No.350/2013

- 1.Thandiram Meena, S/o Chhaju Ram Meena, Age 44 years, Occ. Service, R/o 701, Artideep CHS, Opp. Amrut Park, Kadakpada, Kalyan (West) 421301, Thane Dist.(Mah. St.)
- 2.Kirodilal Meena, S/o Khiladi Ram Meena, Age 45 years, Occ. Service, R/o 404, Bldg.No.10, Neelkanth Park, Waylenagar, Kadakpada, Kalyan (West) 421301, Thane Dist. (Mah.St.)
- 3.Milind Tanbaji Ukey, S/o Tanbaji Sakharam Ukey, Age 44 years, Occ. Service, R/o A/102, Wastuswapnapurti Residency, Opp. New HP Petrol Pump, Katrap, Badlapur (East) 421503, Thane Dist. (Mah.St.)
- 4.Dilip Ramchandra Chumble, S/o Ramchandra R. Chumble, Age 44 years, Occ. Service, R/o A/103 Sunder Nagar, Agra Road, Kalyan (West) 421301 Thane Dist. (Mah. St.)
5. Arun Sitaram Patil S/o Sitaram Kundlik Patil, Arun Sitaram Patil, Age 44 years, Occ. Service, R/o 301, Sanjivani Bldg., Near Pragati College, Nandivali Road, Dombivili (East) 421301 Thane Dist. (Mah.St.)
- 6.Wilson Victor Das, S/o Victor Prabhakar Das, Age 47 years, Occ. Service, R/o JN-3, Type Bldg.No.17, Room No.1, Sector 10, Vashi, Navi Mumbai 400703, Thane Dist.(M.S.) .
- 7.Sunil S. Rumale, S/o Sudhakar K. Rumale, Age 44 years, Occ. Service, R/o Flat No.26, Bldg.No.D-4/6, Radhanagar Towers, Barave Road, Kadakpada, Kalyan(West) 421301 Thane Dist. (Mah. St.) .
- 8.Sudhir Kumar Radhakrishnan, S/o Radhakrishnan P. Age 49 years, Occ. Service, R/o MSRB/III/113/1, Central Railway Officers Flats, L.N.Road, Matunga (East), Mumbai-400019 (Mah.St.)

9.Rajabhैया S/o Kamal Ahmed, Age 59 years, Occ. Service, R/o D-9, RB/III, Berkely Place, Byculla, Mumbai-400008 (M.S.)

10.Pravin P. Girap, S/o Pandurang Girap, Age 49 years, occ. Service, R/o D-8, RB/III, Berkely Place, Byculla, Mumbai-400008 (M.S.)

11.Ravi Venkat Rao, S/o J.V. Rao, Age 45 years, Occ. Service, R/o 104, Sai Deep Apartments, Baldapur (East) 421503 Thane Dist. (M.S.)

12.Raji Varghese S/o Mathai Varghese, Age 45 years, Occ. Service, R/o 805/A, Laxmiparadise Bldg., 8th Floor, Opp.Mayor Bunglow, Kanakia Road, Mira Road (East) 401109 (M.S.)

13.Kishore Kumar Bawaria, S/o Jageshwar P. Bawariya, Age 44 years, Occ. Service, R/o C/601, Gurudeo CHS, Plot No.27, Sec.20, Kamothe, Panvel 410209 Raigad Dist. (M.S.).

Office Address of all above applicants Sr. Station Manager's Office, Mumbai CST, Mumbai-400 001.

-Applicants.

Versus

1. Union of India Through General Manager, CSTM, CST, Central Railway, Mumbai-1

2. Railway Board Through the Secretary, Ministry of Railways, New Delhi-110001

3. The Chief Personnel Officer, Central Railways, CST, Mumbai-400001

- Respondents.

OA No.483/2013

1. Hemant L Rathod, Age 45 years, S/o Shri Liladhar J Rathod Residing at: Shree Krishna Residency, Building No.2, B-Wing, Room No.202, II Floor, Valavili, Badlapur(West), Distt- Thane, Pin-421503

2.Moreshwar Kiran Zade, Age 35 years, S/o Shri Kiran Zade, Residing at : H-2, Surya Vihar, Badlapur(East), Distt- Thane, Pin-421503

3.Sandeep Baliram Gimhavanekar, Age-37 years, S/o Late Shri BaliRam R Gimhavanekar, Residing at : 206, Shyam Sundar, II Floor S.J Marg, Lower Parel, Mumbai Pin-400013.

4.Satish Eknath Bidwe, Age 38 years, S/o Late Shri Eknath Dada Bidwe, Residing at: Mangla Park, B-2/206, Barve Road, Khadkpada, Kalyan(West), Distt- Thane. Pin-421301

5. Nilesh R Kulkarni, Age 43 years, S/o Shri Ramakant.G.Kulkarni, Residing at: Block No.6, 3d Floor, Vinayak Smruti, Kasar Haat Lane, Tilak chowk, Kalyan(West), Distt- Thane. Pin-421301

6. M.G. Sayed, Age 41 years, S/o Shri Gazanfur Ali Sayed Residing at 105, Soham Shree Cooperative Society, Ram baug Lan 0', Kalyan(West), Distt- Thane Pin-421301

7. Shailesh Kumar Rawat, Age 40 years, S/o Shri Raj Kumar, Residing at : RB-2, 5/1, Railway Colony Jui Nagar, Sector 22, New Mumbai Pin-400705

8. Rajesh V.Wavdekar, Age 36 years, S/o Shri Vasant Baburao Wavdekar Residing at B/4, 302, Gokul Nagri, Gandhar Village, Kalyan(West), Khadakpada, Distt- Thane Pin-421301 .

-Applicants.

Versus

1. The Union of India, Through The Chairman, Railway Board. Rail Bhavan New Delhi 110 011.

2. General Manager, Central Railway, Headquarters Office, CSTM, Mumbai 400 001.

3. Chief Personnel Officer, Central Railway, Headquarters Office, CSTM, Mumbai 400 001.

4. The Divisional Railway Manager (DRM) DRM's Office, Central Railway, CSTM, Mumbai 400 001.

- Respondents.

OA No.719/2013

1. GURDEVENDER SINGH, son of S. GURIQBAL SINGH, Date of Birth : 15.03.1952, Age: 62 years, working/worked as :MAIL GUARD- BCT, under Sr. D.O.M. BCT, Western Railway, having office at Mumbai Central, Mumbai 400 008, and residing at : Plot No.24, Road No.04, Sector No.01, New Panvel, District - Raigad, Maharashtra State, Pin Code :410 206.

2. PRADEEP VAMANRAO GUPTA, son of Vamanrao Gupte, Date of Birth 21.09.1951, Age: 62 years, working/worked as SR. : PASSENGER GUARD, under Sr. D.O.M. BCT, Western Railway, having office at Mumbai Central, Mumbai 400 008, and residing at: B/102, Sai Plaza, Sector 15A, Plot No.16, New Panvel, Navi Mumbai, District Raigad, Maharashtra State, Pin Code 410206.

3. LEROY D'SA, son of L.G.T. D'SA, Date of Birth: 12.10.1953, Age: 60 years, working/worked as: SR. PASSENGER GUARD, under Sr. D.O.M. BCT Western Railway, having office at Mumbai Central, Mumbai 400 008, and

residing at: 93/J, Western Railway Colony, Pali Hill Estate, Carter Road, Bandra (West), Mumbai 400050.

4. VIJAY KUMAR PATHAK son of Q.R. Pathak, Date of Birth: 04.10.1956, Age: 57 years, working/ worked as: SENIOR PASSENGER GUARD, under Sr. DOM, BCT, Western Railway, having office at Mumbai central, Mumbai 400 008, and residing at: New Sherinike CHS, B/16, Ashok Nagar, Mulund (West), Mumbai 400080.

5. JASWANT SINGH son of Sardar Balbir Singh, Date of Birth: 15.01.1960, Age: 54 years, working/worked as: MAIL EXPRESS GUARD-BCT, under Sr. D.O.M. BCT, Western Railway, having office at Mumbai Central, Mumbai 400 008, and residing at : Flat No.73/14, Building No.85, Happy Home Estate, Poonam Sagar Complex, Mira Road (East), District Thane, Pin Code 401107.

6. GURMIT SINGH BAJWA, son of Shri Sohan Singh Bajwa, Date of Birth: 02.01.1959, Age: 55 years, working/worked as : MAIL/EXP. GUARD, under Station Manager, Mumbai Central, Western Railway, Mumbai 400008, and residing at : 43T/J-1, W.Rly Colony, Mumbai Central, Mumbai 400 008.

7. VIJAY PARSHURAM SALVI, son of Parshuram Vishnu Salvi, Date of Birth : 29.09.1952, Age: 61 years, working/worked as : (RETD) SR. PASSENGER GUARD, under Sr. D.O.M. BCT, Western Railway, having office at Mumbai Central, Mumbai 400 008, and residing at : 202/D, Soni Sarowar Co-op. Hsg. Soc. Ltd., L.T. Road, Old M.H.B. Colony, Borivali (West), Mumbai

8.V.V. RAJAN, son of V.K. Velayudhan, Date of Birth: 01.03.1947, Age: 99 years, working/worked as: SENIOR PASSENGER GUARD, under A.R.O. Churchgate, Western Railway, having office at Churchgate, Mumbai 400 020, and residing at: B-302, Amardeep C.H.S. Ltd., Plot 73, Sher-E-Punjab Colony, Andheri (East), Mumbai 400093.

9. ARVIND MANILAL PATEL son of Manilal Munvar Patel, Date of Birth: 02.06.1955, Age: 58 years, working/worked as: MAIL/ EXPRESS GUARD, under Station Master, Mumbai Central, Western Railway, having office at Mumbai Central, Mumbai 400008 and residing at : At Post Mograwadi, Sahayog Nagar, Mukti Dham, Tal. And District Valsad, State of Gujarat, Pin Code : _____

10. DILIP KUMAR TIWARI son of Kailash Chandra Tiwari, Date of Birth: 02.10.1956, Age: 57 years, working/worked as: MAIL EXPRESS GUARD-BCT, under Sr. D.O.M. BCT, Western Railway, having office at Mumbai Central, Mumbai 400 008, and residing at : Flat No.73/14, Building No.85, Happy Home Estate, Poonam Sagar Complex, Mira Road (East), District :

Thane, Pin Code - 401107.

11. PRADEEP KUMAR P. son of VASUDEAVAN, Date of Birth : 07.10.1952, Age: 61 years, working/worked as: SR. PASSENGER GUARD, under Sr. D.O.M. BCT, Western Railway, having office at Mumbai Central, Mumbai 400 008, and residing at : B/14/31, Raw house, Sector-7, Kanda Colony, New Panvel, Navi Mumbai, District Raigad, Maharashtra State, Pin Code :40206.

12. Dhirubhai Gulabbhai Patel son of Gulabbhai P. Patel, Date of Birth: 01.07.1956, Age: 57 years, working/ worked as: MAIL EXPRESS GUARD, under Station Master, BCT, Western Railway, having office at Mumbai Central, Mumbai 400 008, and residing at: At Post G-3, Sangath Apartment, Mograwadi, Valsad (Gujarat) Pin Code 396 001.

13. YOGESH M. MAKWANA, son of Maganbhai N. Makwana, Date of Birth: 07.01.1967, Age: 47 years, Sr. Passenger Guard, Batch Gat 4600 under C/o A.R.O. Churchgate, Churchgate Station, Western Railway, Mumbai 400 020, and residing at:B-2/61, Subhash Nagar, Teen Dongri, Goregaon (West), Mumbai 400090.

14. SHAMSUR REHMAN KHAN SURI son of MOINUR REHMAN KHAN SURI, Date of Birth : 12.07.1952 Age: 61 years, working/worked as MAIL GUARD, under Sr. D.O.M. BCT, Western Railway, having office at Mumbai Central, Mumbai 400 008, and residing at : Building No.55, 3rd Floor, Flat No.305, Station Road, Mira Road (East), District Thane, Maharashtra State, Pin Code:401 107.

15. CHIMANBHAI LIMJIBHAI VASAVA son of LIMJIBHAI KILABHAI VASAVA, Date of Birth: 06.10.1955 Age: 58 years, working/ worked MAIL/ EXPRESS GUARD, under Station Master, Western Railway, having office at Surat, Gujarat, and residing at: 10, Vallabha Nagar Cooperative Housing Society, Ganeshpura, Amroli, Surat, State of Gujarat, Pin Code - 394 107.

16. BALDEVSINGH DIPSINGH VASAVA son of Dipsingh Gulabbhai Vasava, Date of Birth: 01.06.1955, Age: 58 years, working/worked as: MAIL- EXPRESS GUARD-ST, under C/o Station Master, Western Railway, having office at Surat, Gujarat, Pin Code 494 107, and residing at: 179/D, Railway Colony, Surat, State of Gujarat, Pin residing at: Code 494107.

17. SHIMPI SOMNATH NARAYAN, son of Simpi Narayan Motiram Date of Birth: 07.04.1955, Age: 58 years, working/ worked as: SENIOR PASSENGER GUARD, under Station Manager, Nandurbar Railway Station, having office at Nandurbar, State of Maharashtra 425 411, and residing at: Plot No.31, Shanti Nagar, Wagheshwari Mandir Road, At Post – Nandurbar, District Nandurbar, State of Maharashtra -Pin Code - 425 412.

18. RAMA SINGH YADAV, son of SUKHANANDAN YADAV Date of Birth: 01.06.1951, Age: 62 years, working/ worked as: MAIL EXPRESS GUARD, under Station Manager, Mumbai Central, Western Railway, Mumbai Division,

Mumbai, having office at Mumbai Central, Mumbai 400008, and residing at: Sector-9, Survey No.004, "C" Wing, Vasant Nagri, Vasai (East), District-Thane, State of Maharashtra, Pin Code -401 208.

19. PRABHAKAR GANPAT GAONKAR, son of Ganpat S. Gaonkar, Date of Birth: 12.12.1954, Age: 59 years, working/worked as : MAIL GUARD, under Sr. D.O.M. BCT, Western Railway, having office at Mumbai Central, Mumbai 400 008, and residing at : 106-B, Sai Dham Apartment, R.R. Thukar Marg, Near Gunesh Hotel, Jogeshwari (East), Mumbai, Pin Code : 400 060.

20. KANUBHAI ADALBHAI VASAVA son of Adalbhai Vallabhbai Vasava, Date of Birth: 11.06.1955, Age: 58 years, working/ worked as: RETIRED MAIL-EXPRESS GUARD, under C/o Station Superintendent BCT, Western Railway, having office at Mumbai Central, Mumbai 400 008, and residing at: At Post Udvada (RS), Tal- Pardi, District – Valsad, State of Gujarat, Pin Code 396 185.

21. Romesh Chand Gurug, son of Ramsingh Gurang, Date of Birth: 12.08.1951, Age: 62 years, working/ worked as: MAIL XPRESS GUARD, under Senior DOP&T OM Office Memorandum – BCT, Western Railway, having office at Mumbai Central, Mumbai 400008, and residing at: Village and Post Office - DARF, District : Kangra (H.P.) Pin Code -176 059.

22. SHAIKH AYAZ HUSSAIN son of Mohd. Hussain, Date of Birth: 18.04.1960, Age: 53 years, working/worked as: MAIL- EXPRESS GUARD, under Sr. D.O.M. BCT, Western Railway, having office at Mumbai Central, Mumbai 400 008, and residing at: 47/C/2, Agri Pada, Railway Colony, Mumbai Central, Mumbai 400 008.

23. PRAKASH NARAYAN MISHRA son of Shri Pushkar Narayan Mishra, Date of Birth: 01.01.1949, Age: 65 years, working/ worked as: MAIL/ EXPRESS GUARD MUMBAI CENTRAL, under Station Superintendent, Western Railway, having office at Mumbai Central, Mumbai 400 008, and residing at: A/302, Alaknanda CHS, Sector-2, Vasant Nagri, Vasai (East), Pin Code - 401 208.

24. SURATI PRAVINBHAI KARSHANBHAI son of Surati Karshanbhai Nanubhai, Date of Birth: 12.10.1958, Age: 55 years, working/ worked as:MAIL/EXPRESS GUARD- ST, under Station Master, Western Railway, having office at Surat, Gujarat, Pin Code 494 107 and residing at 31/32, Shrushti Society, Abhishek Township, New Kosad Road, Amroli, Surat Gujarat, Pin Code No.394 107.

25. NANDANOORI CHANDRA SEKHAR son of Nandanoori Ranganatham, Date of Birth: 28.07.1959, Age: 54 years, working/worked as: SR. PASSENGER GUARD, under C/o A.R.O. Churchgate, Churchgate Station, Western Railway, Mumbai 400 020, and residing at: Western Railway Quarters, No.84/5, Near Railway Station, Andheri (East), Mumbai 400069.

-Applicants.

Versus

1. Union of India, Through Secretary, Railway Board, Rail Bhawan, New Delhi,

Pin Code- 110 001.

2. The General Manager, Headquarters Office, Western Railway, Churchgate, Mumbai 400 020.

3. The Divisional Railway Manager, Office of the Divisional Railway Manager, Western Railway, Mumbai Division, Mumbai Central, Mumbai, State of Maharashtra, Pin Code: 400 008.

- Respondents.

Appearances :-

Shri R. G. Walia, learned counsel for the applicant in OA Nos. 210/2013, 125/2016, 497/2014, 503/2014, 322/2013, 719/2013.

Shri Joe D'souza, learned counsel for the applicants in OA Nos.349/2013, 350/2013.

None for the applicant in OA No.483/2013.

Shri S. C. Dhawan, learned counsel for the applicant in OA No.210/2013.

Shri S. Ravi, learned counsel for the respondents in OA No.125/2016.

Shri V. S. Masurkar, learned counsel for the respondents in OA nos.497/2014, 503/2014, 322/2013, 349/2013, 350/2013, 483/2013 and 719/2013.

COMMON ORAL ORDER
Per : R. N. SINGH, Member (J)

These applications have been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking the reliefs as under in OA

No. 210/2013:

"a. This Hon'ble Tribunal may be pleased to call for the records and proceedings which led to the passing of the impugned order dated 13.12.2012 and 15.02.2013 passed by the Respondents and after going through its propriety, legality and constitutional validity be pleased to quash and set aside the same with full consequential benefits.

b. This Hon'ble Tribunal will be pleased to hold and declare that the Orders dated 22.4.2010 and 2.6.2010 as far as the present Applicants are concerned are legal and proper and the Applicants are entitled to the benefits which accrued to them from the said Orders.

c. This Hon'ble Tribunal will be pleased to order and direct the Respondents to refund and return any amount recovered from the Applicants with 18% interest per annum till the payment is made.

d. This Hon'ble Tribunal will be pleased to order and direct the Respondents to immediately release the withheld retiral dues amounts in cases of the Applicants who have retired from service with 18% interest thereon till actual payment.

e. Cost of this original Application is provided for;

f. Any other and further orders as this Hon'ble Tribunal may deem fit, proper and necessary in the facts and circumstances of the case."

Reliefs in OA No.125/2016

"a) This Hon'ble Tribunal may be pleased to call for the records and proceedings which led to the passing of the impugned orders dated 13-12-2012, 12-09-2013, 11-06-2014, and 02-07-2014 and after going through its propriety, legality and constitutional validity be pleased to quash and set aside the same as far as it relates to the Applicants with full consequential benefits of arrears or salary with 21% interest thereon.

b) This Hon'ble Tribunal will be pleased to hold and declare that the impugned action / orders as are challenged in this Original Application absolutely illegal, wrong and in violation of the settled law as declared by various Tribunals, High Court and Supreme Court in respect of II & III MACP benefit in GP 4600 & 4800 to the Guards cadre of the Railways. This Hon'ble Tribunal will be pleased to hold and declare that the Applicants are entitled to the Grade Pay of Rs.4,600/- and Rs.4,800/- towards 2nd & 3rd MACP respectively and accordingly direct the Respondents to grant / fix

the pay and salary of the Applicants from the date they complete 10 years in the Grade Pay of Rs.4,200/- by effecting Grade Pay of Rs.4,600/- towards 2nd MACP and after another 10 years to grant Rs.4,800/- (or equivalent grade) towards 3rd MACP with full consequential benefits and arrears of pay and salary with 21% interest thereon. c) This Hon'ble Tribunal may further be pleased to hold and declare that the impugned Railway Board letter dated 12-09-2013 cannot be relied upon to deny the benefit of 2nd MACP in Rs.4,600/- and the 3rd MACP in Rs.4,800/- to the Applicants on completion of 10 years in a particular grade."

Reliefs in OA No.497/2014

- a. pleased to call for the records and proceedings which led to the passing dated of the impugned order 15.7.2014 and 08.2014 and also a Show Cause Notice dated 06.06.2014 passed by the Respondents and after going through its propriety, legality 54 and constitutional validity be pleased to quash and set aside the same with full consequential benefits.
- b. This Hon'ble Tribunal will be pleased hold and declare that the Orders dated 13.01.2010 as far as the present Applicants are concerned are legal and proper and the Applicants are entitled to the benefits which accrued to them from the said Orders.
- c. This Hon'ble Tribunal will be pleased to order and direct the Respondents to refund and return any amount if recovered from the Applicants with 18% interest per annum till the payment is made.
- d. This Hon'ble Tribunal will be pleased to hold and declare that the Applicants who are working as Guards are entitled to the Second Financial Upgradation in Grade Pay of Rs.4600/- and Third Financial Upgradation in Grade Pay of Rs.4800/- on completion of 20 and 30 years of service respectively.
- e. Cost of this original Application is provided for;
- d. Any other and further orders as this Hon'ble Tribunal may deem fit, proper and necessary in the facts and circumstances of the case.

Reliefs in OA No.503/2014

"a. This Hon'ble Tribunal may be pleased to call for the records and proceedings which led to the passing of the impugned order dated 15.7.2014 and 08.2014 and also a Show Cause Notice dated 06.06.2014 passed by the Respondents and after going through its propriety, legality and constitutional validity be pleased to quash and set aside the same with full consequential benefits.

b. This Hon'ble Tribunal will be pleased hold and declare that the Orders dated 13.01.2010 as far as the present Applicants are concerned are legal and proper and the Applicants are entitled to the benefits which accrued to them from the said Orders.

c. This Hon'ble Tribunal will be pleased to order and direct the Respondents to refund and return any amount if recovered from the Applicants with 18% interest per annum till the payment is made.

d. This Hon'ble Tribunal will be pleased to hold and declare that the Applicants who are working as Guards are entitled to the Second Financial Upgradation in Grade Pay of Rs.4600/- and Third Financial Upgradation in Grade Pay of Rs.4800/- on completion of 20 and 30 years of service respectively.

e. Cost of this original Application is provided for;

d. Any other and further orders as this Hon'ble Tribunal may deem fit, proper and necessary in the facts and circumstances of the case."

Reliefs in OA No.322/2013

"8.1 This Hon'ble Tribunal will be pleased to call for the records and the Proceeding and after perusing the same, be pleased to Grant the benefit of ACP/MACP with effect from 01.09.2008

8.2 Further be pleased to direct the Respondent No 2 & 3 to refix the pay of the Applicant in the light of the ACP/MACP and after fixing the Pay along with arrears and interest thereon, admissible under the provision of the Law.

8.3 To hold and declare that the action of the Respondent Authorities is discriminatory in nature and violation of Art 14 and Art 16 of Constitution of India.

8.4 To grant any such other and further Reliefs as may be deemed fit and proper in the facts and circumstances of the case."

Reliefs in OA No.349/2013

[a] Quash and set the impugned Order dated 15.02.2013 and 13.12.2012 (ann. A-1 & A-1(i)).

[b] Direct the respondents to continue the benefits of Grade Pay of Rs.4600/- granted to them under the MACP Scheme.

[c] Saddle the cost.

[d] Any other.

Reliefs in 350/2013

- [a] Quash and set the impugned Order dated 15.02.2013 and 13.12.2012 (ann. A-1 & A-1(i)).
- [b] Direct the respondents to continue the benefits of Grade Pay of Rs.4600/- granted to them under the MACP Scheme.
- [c] Saddle the cost.
- [d] Any other.

Reliefs in OA No.483/2013

- "a) This Hon'ble Tribunal may be pleased to call for the records and proceedings which led to the passing of the impugned order dated 25.07.2013 by the Respondents and after going through its propriety, legality and Constitutional validity be pleased to quash and set aside the same with all consequential benefits.
- b) This Hon'ble Tribunal will be pleased to hold and declare that the Orders dated 16.03.2011, 17.06.2011 and 16.10.2012 granting Financial Upgradation to the Applicants are legal and proper and the Applicants are entitled to the benefits which accrued to them from the said orders.
- c) Cost of this Original Application is provided for.
- d) Any other and further orders as this Hon'ble Tribunal may deem fit, proper and necessary in the facts and circumstances of the case."

Reliefs in OA No.719/2013

- "a) This Hon'ble Tribunal may be pleased to call for the records and proceedings which led to the passing of the impugned order dated 13.12.2012 passed by the Respondents and after going through its propriety, legality and constitutional validity be pleased to quash and set aside the same with full consequential benefits.
- b. This Hon'ble Tribunal will be pleased to hold and declare that the Applicants are entitled to the Grade Pay of Rs.4600/- on completion of 20 years of service and Rs.4800/- on completion of 30 years of service under the MACP Scheme and accordingly refix their pay and pension (of Applicants who have retired).
- c. This Hon'ble Tribunal will be pleased to order and direct the Respondents to pay the Applicants in accordance with the Grade Pay of Rs.4600/- on completion of 20 years of service and

Rs.4800/- on completion of 30 years of service with arrears of difference of salary, pay and pension and other retiral dues with 21% interest thereon till actual payment.

d. This Hon'ble Tribunal will be pleased to order and direct the Respondents to fix the pay and pension of the Applicants in the Grade Pay Rs.4600/- on completion of 20 years of service and Rs.4800/- on completion of 30 years of service under the MACP Scheme.

e. Cost of this original Application is provided for;

f. Any other and further orders as this Hon'ble Tribunal may deem fit, proper and necessary in the facts and circumstances of the case."

2. The applicants in all the above OAs are stated to be similarly placed, the relief(s) sought by the applicants in all the OAs are stated to be identical and therefore with the consent of the parties all the aforesaid OAs have been heard together and are being disposed of by a common order.

3. The applicants commenced service with the respondents as the Goods Guard and moved in the career as Senior Goods Guard, Passenger Goods Guard and Mail Express Guard at various points of time. After the 6th CPC the Goods Guard was fitted in the Pay Band-1 with Grade Pay Rs.2800 whereas the higher level posts of Senior Goods Guard, Passenger Guard and Guard (Mail Express) were all

fitted in PB-II with Grade Pay of Rs.4200. The applicants received one promotion from the Goods Guard to Senior Goods Guard and after grant of the benefit of MACP Scheme in the Grade Pay of Rs.4600/ and 4800/- in consecutive up-gradation, the respondents have withdrawn the said benefit under the MACP on the ground that their promotion from Senior Goods Guard to Passenger Goods Guard and then to Guard (Mail Express), represented promotion and they would only be entitled for pay fixation in the same GP.

4. It is the claim of the applicants that the moment those promotional posts are kept in identical pay scale with identical Grade Pay can not be counted as promotion for the purpose of refusal of the benefits under MACP up-gradations and they are entitled to the 2nd and 3rd up-gradations on the respective dates of eligibility to the levels of GP 4600/- and 4800/-.

5. The learned counsel for the applicant relies on a catena of judgments which include the judgment of the Hon'ble High Court of Madhya

Pradesh at Jabalpur dated 20.11.2015, in WP No.13031/2013 the Hon'ble High Court took note of the para-9 of the earlier decision of the Ernakulum Bench of this Tribunal which was favourable to the applicants and on challenge the Hon'ble High Court had granted an interim stay and the matter was pending decision before that Court. After elaborate discussion on the various arguments preferred by the petitioners and the respondents, the Hon'ble High Court of Madhya Pradesh held in para-10 and 11 as below;

"10 : We have no hesitation in accepting the aforesaid reasonings of the Division Bench of Allahabad High Court, for the simple reason that a categorical statement should have been made in that respect by the petitioners herein that in fact persons like respondent were granted the benefit of promotion in terms of the Regulations or Rules made by the petitioners in due course of time including the financial benefits and upgradation. Secondly, merely because of the merger of the pay scales any movement of Senior Goods Guard to the post of Passenger Guard was not to be treated as a promotion unless otherwise provided under the Service Rules. If it was a promotion, in what manner such consideration was done and whether that was granted to the persons like respondent in due course

of employment in terms of those Regulations or not, was required to be proved by the petitioners. Nothing in that respect has been produced before the Tribunal. A bald statement that the MACPS would not be applicable in case of persons like respondent is not enough since it is required to be demonstrated by the petitioners themselves that the said MACPS is made for a specific purpose and for specific class of employees who have remained in stagnation in the matter of promotion for a long time. Broadly interpreting the provisions of paragraph 5 and 8 of the aforesaid MACPS, we are of the considered opinion that no error of law was committed by the Tribunal in making the said Scheme applicable for the persons like respondent. However, since certain facts were not clarified by the petitioners before the Tribunal, that opportunity to conduct an enquiry in that respect and to examine the cases of each and every individual separately was granted by the Tribunal by the impugned order. We are of the considered opinion that even such an opportunity was not required to be granted to the petitioners in view of the fact that though petitioners being employer were having all the information in respect of so-called promotion of respondent, the said information was not produced before the Tribunal in adequate manner. However, we are not inclined to interfere in the order of the Tribunal only and are not willing to disturb the said liberty granted by the Tribunal for the reason the said aspect is not called in question by the respondent before us.

11 : In view of the discussions made herein above, we find no force in these writ petitions, which deserve to be and are hereby dismissed. However, looking to the facts and circumstances of the case, parties to the writ petitions to bear their own cost.

Ordered accordingly."

6. The learned counsel for the applicant also referred to the orders of the Hyderabad Bench of this Tribunal dated 10.10.2018 in a batch of cases which refers to the various decisions of the Jaipur, Ernakulum, Ranchi and Jabalpur Benches of this Tribunal and the judgment of the Hon'ble High Court of Jharkhand and Allahabad and further relies on the decision of the Principal Bench of this Tribunal in OA No.141/2012 which in turn relied on the judgments of the Hon'ble High Court of Delhi in WP(c) 3420/2000 which relates to the demand of nurses in the Ministry of Health for grant of MACP and had recorded as follows:

"13. Being on the subject the Honourable Principal Bench of this Tribunal in OA 141 of 2012 quoting Honourable Delhi High Court judgment in WP(C) No.3420/2010 reproduced below, has upheld the principle of

granting next grade pay.

'1. Whatever may be the dispute which may be raised with reference to the language of paragraph 2 of the MACPS the illustration as per para 4 of annexure 1 to the OM, contents whereof have been extracted hereinabove, make it clear that it is the next higher Grade Pay which has to be given and not the grade Pay in the next hierarchical post and thus we agree with the respondents that Inspectors have to be given the Grade Pay after 10 years of Rs.4800/- and not Rs.5400/- which is the grade Pay in the hierarchy of posts. Hence, in view of the judgment of the Hon'ble High Court, it is evident that the next higher Grade Pay has to be given and not the Grade Pay in the next hierarchical post. It is immaterial that the next hierarchical post is DNS and on that post the Grade Pay is Rs.5400/- but while granting the third financial upgradation under MACPS, the benefits to be granted as per the provisions thereof, and it is the next higher Grade Pay which is admissible to an employee, and the Grade Pay of Rs.5400/-, while granting the benefit of third MACPS ANS will be given the Grade Pay of Rs.6600/- which is the next Grade Pay.

9. Hence, in view of judgment of the Hon'ble High Court of Delhi, in view of the wordings of the MACPS, as well as in view of the MACPS allowed to the ANS of AIIMS, the applicants are entitled to the Grade Pay of Rs.6600/- and not Rs.5400/-. The order passed by the respondents dated 20.12.2011 is not in accordance with the MACPS and

it is against the very spirit of MACPS, and if the contention of the respondents is to be accepted, then to financial upgradation will be given to the ANS even after grant of third MACPS, which is not the intention of introduction of the MACP Scheme, and the applicants are entitled to the Grade Pay of Rs.6600/- and no recovery will be made from the applicants of the difference paid to them. The OA deserves to be allowed.'

14. The respondents moved the Honourable Supreme Court against the Judgment of the Honourable High Court of Jharkhand in SLP 4501/2017 dt 24.03.2017 but it was dismissed as it was found that there was no reasons to intervene. Similarly the verdict of the Honourable High Court of Allahabad was upheld by the Supreme Court in SLP No.13421 of 2014 dt. 29.08.2014.

7. The Bench also noted the dismissal of SLP No.4501/2017 vide order dated 24.03.2017 against the order/judgment of the Hon'ble High Court of Jharkhand and in similar terms the judgment of the Hon'ble High Court of Allahabad was upheld by the Hon'ble Apex Court No. 13421/2014 dated 29.08.2014. The learned counsel for the applicants also invites our attention to the para 15 of the order/judgment dated 10.10.2018 of the Hyderabad Bench which records as below:

15. When different divisions of the same zone i.e. South Central Railway and the Azmeer division of North Western Railway zone coming under the same Railway Ministry, extended the benefit under MACPS to similarly placed employees like the applicants, the proper course of action for the respondents, who are a part and parcel of the Railways, was to extend the similar benefits as was observed by the Honourable Supreme Court in **G. C. Ghosh Vs. Union of India** reported in **1992 (19) ATC 94** where it was held as under:

'In the light of the command of Article 14 and 16 of the Constitution of India the same treatment is required to be accorded to the petitioners regardless of the fact that they are serving the Eastern Railway unless it is shown that there is something distinguishing feature, for according a different treatment..'

The MACP and the pay revision have been coeval and on the recommendations of the VI Central Pay Commission. Existence of the same Grade Pay for both promotional post and the feeder grade post is not uncommon in various grades and in various departments which the Pay Commission is conscious of. And, equally conscious has been the Pay Commission when it introduced in MACP Scheme the "next higher grade pay." Instead of recommending the grade pay attached to the promotional post, the Pay Commission recommended next higher grade pay as financial upgradation. This conscious decision would be frustrated and stultified if due regard to the term 'next higher

grade pay' is not given and the Grade Pay of the promotional post is granted. In contra distinction to the earlier ACP Scheme, which afforded, the higher pay scale attached to the promotional post, the MACP contemplates only the next higher Grade Pay. The Grade Pay consists of Rs.1800, 1900, 2000, 2400, 4200, 4600, 4800, 5400, 6600, etc., Grant of the immediately next higher Grade Pay is the financial upgradation under the MACP Scheme. It has no nexus with the Grade Pay attached to the promotional post. For Example, a feeder post may carry the Grade pay of Rs.4,200 and its promotional post may have Rs.4,800 as the Grade Pay. When a person stagnates in the Grade Pay of Rs.4,200/- without getting the next promotion which carries a grade pay of Rs.4,800/-, he becomes entitled for grant of financial upgradation, which would be the Grade Pay of Rs.4600/- and not 4,800/-. This next higher grade envisaged in the MACP Scheme, is thus, independent of the grade pay attached to the next promotional post."

8. While passing orders in the matter the Hyderabad Bench also held that the respondents should treat their orders in rem only the guidelines in the OA are issued in order to not drive similarly placed employees for similar reliefs to this Tribunal and who are working in Railway Board.

9. The learned counsel for the applicants also affirms that all these judgments have already been implemented and submits that he has evidence to show that the decision in the judgment of the Hon'ble High Court of Allahabad has since been implemented.

10. Further, he also relied on the judgment of the Ernakulum Bench of this Tribunal dated 11.04.2019 in OA No.917/2014 which had duly noted that the fact that its previous order had been stayed by the Hon'ble High Court of Kerala but then goes on to record that the same cannot be a reason to disagree with the decision of the Bench taken in OA No.650/2011 being under consideration before the Hon'ble High Court and the order not attaining finality and the same would not preclude them from adopting the same stand.

11. The learned counsel for the respondents has stated that the recent orders of the Tribunal, Bench at Ernakulum had also been taken to the Hon'ble High Court and orders were awaited and would presumably be heard along with the case

which has already been stayed. He argues that the decision of the Bench at Hyderabad and of Jabalpur all rested eventually on the original decision of the Ernakulum Bench. In particular he referred to the applicants set out in the recent order dated 11.04.2019 of the Ernakulum Bench which states that the various posts involved in the career progression of the applicants have not been merged but only their scale have been merged to the extent that certain posts now have the same Grade Pay and therefore, the applicants were only entitled to pay fixation as recommended by the Authorized body which is the 6th CPC and the applicants were therefore entitled only to pay fixation as prescribed.

12. He further contends that the concerned posts are stated to subsist and are not merged even today and are not merged. With regard to the reliance on the dismissal on the Hon'ble Apex Court the learned counsel for the respondents refers to the compilation of judgments submitted by him which includes the guidelines set out in

the case of Kumai Ahmed and Ors. reported in 2000

(6) SCC 359 dated 19.07.2000 to argue that the mere dismissal of the SLP will not become a binding precedent and this Tribunal is required to consider that the original order/judgment of this Tribunal at Ernakumum Bench has been stayed by the Hon'ble High Court of Kerala and many of the subsequent judgments of Ernakumun Bench of this Tribunal have been the subject matter of the challenge before the Hon'ble High Court of Kerala and the same are yet to be adjudicated.

13. We have heard the learned counsels for the parties and have carefully perused the case record.

14. It is an admitted fact that the reliefs have been granted by order and judgments of various benches of this Tribunal and the Hon'ble High Court(s) at various locations to similarly placed persons. The facts are similar in these cases and the logic adopted in them are in similar lines. It is also not in dispute that the judgment of the Hon'ble High Court of Allahabad, referred

to herein above has attained finality in as much as the same has been implemented by the respondents i.e. other zones of the Railway. It is also evident from the aforesaid that the judgment of the Ranchi Bench of this Tribunal has attained finality in as much as the WP filed against the same as well as the SLP filed before the Hon'ble Apex Court has been dismissed.

15. We cannot ignore the fact that the judgment of the Hon'ble High Courts are binding upon this Tribunal.

16. In these circumstances, these OAs deserve to be allowed and are accordingly allowed.

17. The orders impugned in the respective OAs are quashed and set aside. The respondents are directed to grant 2nd and 3rd financial up-gradation to the applicants in immediate next higher grade(s) pay under MACP to the applicants from the dates from which the same have become due to the applicants along with the consequential benefits like fixation of pay from time to time with increments, payment of arrears, increments

and other admissible benefits flowing therefrom with interest @ 6.5% p.a. on the arrears.

18. It is further directed that in case any recovery has been made from the applicants in view of the impugned orders, the respondents are directed to refund the same to the respective applicants with interest at the rate of 6.5% p.a. from the date the same was recovered till payment thereof.

19. The aforesaid exercise shall be completed by the respondents as expeditiously as possible and in any case within 10 weeks from the date of receipt of certified copy of this order.

20. There shall be no orders as to costs.

(R.N.Singh)
Member (Judicial)

(R.Vijaykumar)
Member (Administrative)

V.

From prepages:

Although I concur with the views expressed based on the judgements of various High Courts and orders of benches of this Tribunal that have attained finality, many of those orders have relied on the orders of the coordinate Bench of this Tribunal at Ernakulam that specifically distinguished the movement of a Senior Goods Guard to Passenger and Mail/Express Guard as a lateral movement in opposition to a promotion and on that basis, declared that the Applicants were entitled to the benefits of upgradation under the MACP Scheme and then, apart from declaring that their orders should operate in rem, directed the Respondents to consider and pass appropriate orders. Now, with subsequent judgements of the High Courts and dismissals of SLP by the Hon'ble Apex Court, the position in law with regard to the revised interpretation of Respondents that these are not promotions for the purpose of MACP is settled.

2. However, the meaning of the terms 'lateral' and 'promotion' need to be understood in terms of their definitions:

Lateral:

(Adjective): To the side; of or pertaining to the side as in "Instead of a promotion, I opted for a lateral move to a similar position in the marketing department;"

(Noun): An object, such as a passage or a protrusion, that is situated on the side of

something else; or specifically, an employee hired for a position at the same organizational level or salary as their previous position;

(Verb): To move (oneself or something) in a lateral direction.

Promotion:

(Noun): An advancement in rank or position.

3. A lateral induction would, therefore, not ordinarily involve any change in salary level or rank but a mere re-designation although the employer's policy may yield some benefits including higher allowances or personal pay attached to the other, lateral post to which an employee is moved. Moreover, an employee may also seek movement back into his old post for whatever reason. In the present case, both an increment in the same pay scale and higher allowances as personal pay against the post, have been given which complicates the situation since no movement backwards is permitted, it would appear, and only the alternative opportunity is available for such employees to refuse the so-called lateral movement and this is the situation in some OAs in Mumbai where the employee does not wish to be transferred from his existing station for personal reasons and refuse promotions that entail a transfer. Therefore, these three posts with the same Grade Pay are strictly not lateral transfers. Nor are they to be considered as promotions for the purpose of grant of MACP as

held by precedent orders and judgements.

4. Therefore, while implementing these orders, Respondents will necessarily have to comprehend their policy on the movement between the three 'Senior' categories with Grade Pay Rs 4200 in regard to grant of increment and grant of higher allowances for each post, as personal pay and then grant them the MACP benefit now ordered, consonant with these orders and the policy referred above. The mechanics of this aspect were not agitated in this OA nor any orders sought and we refrain from further expressing our views.

5. Further, we notice that both parties have made pleadings on the fact that some of the Applicants commenced their career as Commercial clerks and opted to participate in the LDCE exam for selection as Goods Guard, which has the same pay scale and Grade Pay as that of the Commercial Clerk. However, this aspect was not argued in the final hearing nor does it find place in the reliefs sought which rest on only the legal point that the said lateral movement is not a promotion for the purposes of MACP. Therefore, we will refrain from taking a view on also this aspect.

6. The respondents shall regulate the MACP benefits for Applicants accordingly.

(R. Vijaykumar)
Member (A)