

Central Administrative Tribunal
Ernakulam Bench

OA No.611/2013

Friday, this the 26th day of June, 2015

CORAM

HON'BLE MR.JUSTICE N.K.BALAKRISHNAN, JUDICIAL MEMBER
HON'BLE MR.R.RAMANUJAM, ADMINISTRATIVE MEMBER

N. Vamanan Namboodiri
S/o S. Narayanan Namboodiri
Station Master II, Payangadi Railway Station
Southern Railway, Payangadi, Kannur.

Applicant

(By Advocate: Mr.P.K.Madhusoodhanan)

Versus

1. Senior Divisional Personnel Officer
Southern Railway, Divisional Office
Personnel Branch, Palakkad – 678 002.

2. Union of India through the General Manager
Southern Railway, Park Town
Chennai 600 003.

Respondents

(By Advocate: Mr.K.M.Anthru)

The Original Application having been heard on 22nd June, 2015, this Tribunal delivered the following order on 26th June, 2015:

ORDER

By Hon'ble Mr.R.Ramanujam, Administrative Member

The applicant was appointed as Assistant Station Master (ASM) in the pay scale of Rs. 4500-7000/- in June, 1999. He was promoted as Station Master (SM) Grade III in the scale of Rs. 5000-8000/- on 15.4.2002. In February, 2004, he was transferred to Palaghat Division on request to the lower post of ASM in the scale of Rs.4500-7000/-.

2. The applicant was appointed in the grade of SM-II in the pay scale of Rs.5500-9000/- against the quota for Limited Departmental Competitive Examination (LDCE) in 2006. After completing the necessary training, he was

inducted to the post of SM Grade II w.e.f. 3.7.2009.

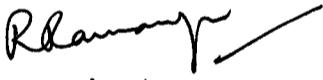
3. The applicant's grievance is that he has not been granted the benefit of MACP Scheme under which he is entitled to financial up-gradation in terms of the provision for persons who have worked in the same grade for 10 years. He claims that the period of 10 years in his case should count from the date of his first promotion i.e., from 30th April, 2002. His representations to the authorities for grant of financial up-gradation on this basis have been rejected. Hence this OA.

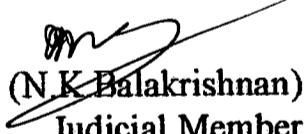
4. The respondents in their reply have submitted that the applicant had been promoted as SM in Pay Band of Rs. 9300-34800/- with Grade Pay of Rs.4200/- w.e.f. 19.7.2009, after undergoing 2 years of training as Traffic Apprentice from 17.9.2007. He was granted pay fixation from 17.9.2007 duly counting the training period for drawal of increments. The applicant enjoyed pay fixation twice in his service upto 17.9.2007 i.e., within a period of 8 years. Financial up-gradation under MACP is counted from the date of entry into a grade. Up-gradation would be granted if the person concerned worked for 10 years continuously in the same Grade Pay. The applicant cannot be considered to have continued in the same grade without any promotion and hence he is not entitled to any financial up-gradation under the MACP till he completes 10 years of service in Grade Pay of Rs.4200/-.

5. Applicant in his rejoinder has submitted that one Babu Shanker who was his junior has been granted Grade Pay of Rs.4600/- and, therefore, his Grade Pay could not be fixed at Rs. 4200/-. However, the respondents contend that in the absence of details regarding the said Babu Shanker, they were unable to comment on the issue. It is possible that the said Babu Shanker might be drawing a higher Grade Pay counting his services from the date of original appointment in the grade of SM-III in Chennai Division. Since the applicant had voluntarily sought transfer to a lower post and changed his Division, the consequences are bound to reflect in his subsequent pay fixations.

6. Heard the learned counsel for the applicant and the respondents and perused the records. The fact that the applicant was appointed to his present post in 2009 after 2 years of training from 2007 is not disputed. Assuming that his appointment through LDCE should be treated as direct recruitment, he would be entitled to any MACP benefit only after 10 years of continuous service in that grade. If it is treated as promotion, still, he would not be entitled to any MACP benefit since in the first 10 years of his service counting from the year 2002, he has already earned a promotion. Thus, in either case, the claim of the applicant that he is entitled to financial up-gradation under MACP is misplaced.

7. It appears that the applicant is attempting to retrieve the lost ground vis-a-vis his junior in Chennai Division after voluntarily sacrificing the benefits of promotion for a convenient transfer to his place of choice on a lower post. It is, therefore, not possible to permit him any financial up-gradation that puts him at par with his erstwhile junior. In any case, the MACP is not meant for this purpose but only to address the problem of stagnation due to lack of adequate avenues of promotion. We have no hesitation, therefore, in dismissing the OA. We do so. No order as to costs.


(R. Ramanujam)
Administrative Member


(N.K. Balakrishnan)
Judicial Member

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