

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.357/12

FRIDAY this the 18th day of January 2013

C O R A M :

**HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER
HON'BLE Mr.K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

E.S.Vijayan,
S/o.Gopalan Nair,
Retd. Chief Travelling Ticket Inspector,
Southern Railway, Ernakulam.
Resident of Chandrika Vihar,
Karippayil, Thirutha, Iranikulam PO,
Mala, Trichur – 680 734.

...Applicant

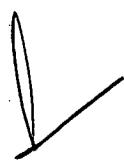
(By Advocate M/s.Varkey & Martin)

V e r s u s

1. Union of India represented by General Manager,
Southern Railway, Chennai – 600 003.
2. Sr. Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palakkad – 678 001.
3. Sr. Divisional Finance Manager,
Southern Railway, Palghat Division,
Palakkad – 678 001.
4. Sr. Divisional Personnel Officer,
Southern Railway, Trivandrum Division,
Thiruvananthapuram – 695 014.
5. Sr. Divisional Finance Manager,
Southern Railway, Trivandrum Division,
Thiruvananthapuram – 695 014. ...Respondents

(By Advocate Mr.K.M.Anthru)

This application having been heard on 10th January 2013 this
Tribunal on 18th January 2013 delivered the following :-



.2.

ORDER

HON'BLE Mr.K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER

The applicant was initially engaged as a Substitute Porter on 12.5.1972. He was granted temporary status with effect from 12.11.1972. He was promoted as Lamp Man on 3.2.1979. He was further promoted as Ticket Collector on 11.9.1980. He was promoted to officiate as Travelling Ticket Examiner on adhoc basis on 22.4.1982. Subsequently, he was promoted to officiate as Travelling Ticket Inspector on 1.4.1993 and further promoted as Chief Travelling Ticket Inspector Grade-II on 1.11.2003. The applicant has filed this O.A seeking the following reliefs :-

1. Declare that the applicant is entitled to the 3rd financial upgradation to PB 9300-34800 + Grade Pay 4600 with effect from 1.9.2008 with all consequential benefits and direct the respondents accordingly.
2. Direct the respondents to revise the pay of the applicant in PB 9300-34800 + GP 4600 with effect from 1.9.2008 revise Annexure A-2 PPO accordingly, with consequential arrears of pay and pensionary benefits and direct the respondents accordingly.
3. Pass such other orders or directions as deemed just fit and necessary in the facts and circumstances of the case.

2. The applicant contended that his appointment as Ticket Collector on 11.9.1980 should be envisaged as direct entry grade as per paragraph 1 of MACP Scheme. If so, his first promotion was as Travelling Ticket Examiner on 22.4.1982, his second promotion was as Travelling Ticket Inspector on 1.4.1993 and his third promotion was as Chief Travelling Ticket Inspector Grade-II on 1.11.2003. As per paragraph 5 of the MACP Scheme his third promotion shall be ignored as the grade of Chief

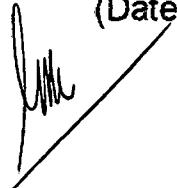
A handwritten signature or mark, consisting of a stylized 'V' shape with a horizontal line extending from its right side.

.3.

Travelling Ticket Inspector Grade-II is merged with grade of Travelling Ticket Inspector. As he has spent more than 10 years in the same grade of pay he is entitled to third financial upgradation with effect from 1.9.2008 with all consequential benefits.

3. We have heard the parties and perused the records. The contention of the applicant is that his appointment to the grade of Ticket Collector on 11.9.1980 should be considered as direct entry grade for the purpose of granting third financial upgradation under the MACP Scheme. Going by his own contention, as rightly submitted by the counsel for the respondents, the applicant has not completed 30 years of service from 11.9.1980 to be eligible for third financial upgradation under the MACP Scheme. He retired from service on 30.4.2010 before completing 30 years of service on 10.9.2010. On 10.9.2010 he is not in service to be eligible to get the third financial upgradation under the MACP Scheme. As per MACP Scheme an employee has to complete 30 years of service for getting the third financial upgradation. As the applicant is not having 30 years of service counted from 11.9.1980, the Original Application fails and the same is dismissed accordingly. No order as to costs.

(Dated this the ...^{18th} day of January 2013)


K.GEORGE JOSEPH
ADMINISTRATIVE MEMBER


JUSTICE P.R.RAMAN
JUDICIAL MEMBER

asp