

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 1583/2014

New Delhi this the 18th day of September, 2015

**Hon'ble Mr. Justice Syed Rafat Alam, Chairman
Hon'ble Mr. P.K. Basu, Member (A)**

K.P. Dangi
Aged about 53 years,
S/o Shri S. Dangi
Working as Senior Section Engineer
Northern Railway, Baroda House,
New Delhi

Resident of : C-64, South Ganesh Nagar,
Delhi-110092 ... Applicant

(Through Shri K.K. Patel, Advocate)

Versus

Union of India through:

1. The Secretary
Railway Board
Rail Bhawan, New Delhi
2. Director, Pay Commission
Railway Board
Rail Bhawan, New Delhi
3. General Manager,
Northern Railway
Baroda House, New Delhi ... Respondents

(Through Shri Amit Kumar, Advocate)

ORDER

Mr. P.K. Basu, Member (A)

The applicant was appointed through Railway Recruitment Board as apprentice Head Draftsman on 18.01.1985 and after

completion of one year training, he was appointed to officiate as Head Draftsman with effect from 18.01.1986. His category was changed from Head Draftsman to Design Assistant on 14.03.1986. He was promoted to the post of Chief Design Assistant with effect from 8.07.1986 and this was his first promotion. The applicant completed twenty years of service in 2006. On introduction of Modified Assured Career Progression Scheme (MACPS), the applicant was granted his second financial upgradation with effect from 1.09.2008 by granting him Grade Pay Rs.4800/- in Pay Band of Rs.9300-34800. Since he has neither completed thirty years' service on date nor has he rendered ten years' service from the date of second financial upgradation, he is not yet eligible for third MACP.

2. The Railway Board vide letter dated 27.06.2014 clarified to all the General Managers of Indian Railways as follows:

"3rd financial upgradation is admissible either on completion of 30 years service from the date of initial appointment OR further 10 years from the date of 2nd financial upgradation/ promotion, whichever is earlier."

3. The applicant's case is that he had completed ten years of service on 8.07.1996 and further ten years on 8.07.2006. Therefore, he should get the benefit of Grade Pay of Rs.4800/- from 8.07.2006 and benefit of Grade Pay of Rs.5400/- with effect from 1.09.2008.

4. In our view, this application is based on mistaken appreciation of facts. The applicant had received his first

promotion on 8.07.1986. Counting ten years from that, the applicant claims that he should have been given his first upgradation in Grade Pay Rs.4600/- with effect from 8.07.1996 and second upgradation in Grade Pay Rs.4800/- with effect from 8.07.2006 i.e. after twenty years of service. However, the applicant fails to appreciate that MACPS was itself effective from 1.09.2008, therefore, though he had completed twenty years of service in 2006, he could only be given second financial upgradation under MACP with effect from 1.09.2008 and not before. This the respondents have already done.

5. As regards third financial upgradation under MACP after thirty years of service, counting from 1986, it is only due on 8.07.2016. Therefore, his claim is premature.

6. In view of above, we find no merit in this OA and it is, therefore, dismissed. No costs.

(P.K. Basu)
Member (A)

(Syed Rafat Alam)
Chairman

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