

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 2354/2014

New Delhi, this the 1st day of November, 2017

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MS. NITA CHOWDHURY, MEMBER (A)**

1. H.K.Nijhawan, Aged 53 years
S/o Sh. Kewal Krishna Nijhawan,
Working as Accounts Assistants in Northern Railway,
Divisional Accounts Office, Moradabad,
R/o B-94, Deen Dayal Nagar, Phase-II,
NR Sai Mandir, M.D.A., Moradabad.
2. Satender Kumar, Aged 58 years,
S/o Sh. Raghu Nandan Prasad Sharma,
Working as Accounts Assistants in Northern Railway,
Divisional Accounts Office, Moradabad,
R/o H.No. 181/A, Loco Shed, Moradabad.
3. Santosh Kumar, Aged 57 years,
S/o Late Sh. Ram Lal,
Working as Accounts Assistants in Northern Railway,
Divisional Accounts Office, Moradabad,
R/o Vill Samathal PO Thana Pakbara,
Distt. Moradabad.
4. Dina Nath, Aged 57 years,
S/o Late Sh. Ishwari Prasad,
Working as Accounts Assistants in Northern Railway,
Divisional Accounts Office, Moradabad,
R/o L-92/B, Loco Shed Near Taj Banquet,
Moradabad.
5. Yashpal Singh, Aged 55 years,
S/o Late Sh. Raghbir Singh,
Working as Accounts Assistants in Northern Railway,
Divisional Accounts Office, Moradabad,
R/o B-36, Mansarovar Colony,
Delhi Road, Moradabad.
6. Amod Kumar, Aged 57 years,
S/o Late Sh. Tara Chand,
Working as Accounts Assistants in Northern Railway,
Divisional Accounts Office, Moradabad,

R/o Moh-Manapur, P.O. Hasanpur,
Distt. Amroha.

7. Vipul Kumar Tandon, Aged 52 years,
S/o Sh. L.P.Tandon,
Working as Accounts Assistants in Northern Railway,
Divisional Accounts Office, Moradabad,
R/o Nalbadan Street,
Nagina, (Bijnor) U.P.
8. S.M.M.Kazmi, Aged 53 years,
S/o Sh. S/H.M.Kazmi,
Working as Accounts Assistants in Northern Railway,
Divisional Accounts Office, Moradabad,
R/o Kazigali, Amroha (U.P.),

.. Applicants

(By Advocate : Shri Yogesh Sharma)

Versus

1. Union of India through
The General Manager,
Northern Railway,
Baroda House, New Delhi.
2. The Divisional Finance Manager,
Northern Railway, Moradabad Division,
Moradabad.
3. The Dy. Director, Pay Commission-5,
Railway Board, Ministry of Railway,
Rail Bhawan, New Delhi.

... Respondents

(By Advocate : Shri Shailendra Tiwary)

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

Heard both the sides.

2. When this matter is taken up for hearing learned counsel for applicants state that they are not pressing relief no. 8 (iii) and he is pressing the reliefs with regard to 8 (i) and 8 (ii) only.

3. The short question falls for consideration in the instant O.A. is that whether the applicants are entitled for 3rd MACP on completion of 20 years from the date of their first promotion, as contended by the applicants, or on completion of 30 years from their initial date of appointment/10 years from the date of 2nd financial upgradation/promotion, as contended by the respondents.

4. Though the respondents initially granted the 3rd MACP to the applicants on completion of 20 years from the date of their first promotion, however, when they have issued the impugned orders withdrawing the said MACPs, the instant O.A. has been filed by the applicants.

5. Learned counsel for the applicants submits that the issue raised in the O.A. has already been settled by a Full Bench of this Tribunal in O.A. No.1288/2014 dated 23.05.2016 **Smt. Manju Vashistha & others vs. Union of India & others** and the Full Bench in the said decision categorically held that the benefit of 3rd financial upgradation under MACP Scheme has to be granted on completion of 20 years counted from the date of first promotion of the employee.

6. The learned counsel for the applicants also placed reliance on the decisions of this Tribunal in O.A. No.264/2014 dated 17.11.2016 and O.A. No.1471/2013 dated 03.10.2017 of this

Tribunal, which were passed in respect of the respondents – Railways itself.

7. Learned counsel for the respondents, though opposed the O.A. by placing reliance on the provisions of the MACP Scheme, however, not denied the fact of consideration of the said Scheme by the Full Bench before coming to the said view in the aforesaid decision.

8. In the circumstances and in view of the aforesaid decision of the Full Bench, the O.A. is allowed and all the impugned orders are quashed and set aside, with all consequential benefits. The respondents shall pass the consequential orders within three months from the date of receipt of a copy of this order. No order as to costs.

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member (J)

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