

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

OA 2596/2014  
MA 2210/2014

New Delhi this the 6th day of October, 2015

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

1. Kumer Singh age about 44 years  
S/o Shri Kripal Singh  
Clerk, Commercial/ Rates Branch  
Northern Railway, HQ Office, Baroda House,  
New Delhi
2. Satish Kumar age about 43 years  
S/o Shri Dilbagh Singh  
Clerk, Commercial/ S&M Branch  
Northern Railway, HQ Office, Baroda House,  
New Delhi
3. Mohd. Rizwan age about 46 years  
S/o Shri Muzaffar Ali  
Clerk, Commercial/ Rates Branch  
Northern Railway, HQ Office, Baroda House,  
New Delhi
4. Shish Pal age about 40 years  
S/o Shri Tara Chand  
Clerk, Commercial/ Rates Branch  
Northern Railway, HQ Office, Baroda House,  
New Delhi
5. Naresh Kumar age about 41 years  
S/o Shri Rajinder Singh  
Office Superintendent, Commercial/ Refund Office  
Northern Railway, 2<sup>nd</sup> Floor, New Delhi Station Building  
New Delhi
6. Ms. Umesh Kumari age about 41 years  
W/o Shri Jagat Singh  
Sr. Clerk, Commercial/ Refund Office  
Northern Railway, 2<sup>nd</sup> Floor New Delhi Station Building,  
New Delhi
7. Laxman Prasad Dhayani age about 41 years  
S/o Shri K.R. Dhayani  
Clerk, General Branch  
Northern Railway, HQ Office, Baroda House,  
New Delhi

8. Arun Kumar age about 46 years  
S/o Shri Kishori Lal  
Clerk, General Branch  
Northern Railway, HQ Office, Baroda House,  
New Delhi
9. Ramesh Kumar age about 46 years  
S/o Shri Mathri Ram  
Clerk, General Branch  
Northern Railway, HQ Office, Baroda House,  
New Delhi
10. Ganesh Singh age about 43 years  
S/o Shri N.S. Bhakuni  
Clerk, General Branch  
Northern Railway, HQ Office, Baroda House,  
New Delhi
11. Dharam Singh age about 38 years  
S/o Shri Deep Chand  
Clerk, General Branch  
Northern Railway, HQ Office, Baroda House,  
New Delhi
12. Laxman Singh Negi age about 51 years  
S/o Shri Chander Singh  
Clerk, General Branch  
Northern Railway, HQ Office, Baroda House,  
New Delhi
13. Sunil Kumar age about 41 years  
S/o Shri Suraj Mal  
Clerk, General Branch  
Northern Railway, HQ Office, Baroda House,  
New Delhi
14. Saji K. Philip age about 46 years  
S/o Shri C.T. Mathai  
Clerk, PRO Office  
Northern Railway, HQ Office, Baroda House,  
New Delhi
15. Azad Singh age about 61 years  
S/o Shri Brahamanand  
Clerk (Retd) Commercial Branch  
Northern Railway, HQ Office, Baroda House,  
New Delhi

... Applicants

(Through Shri Gaya Prasad, Advocate)

Versus

Union of India through:

1. The General Manager  
Northern Railway,  
Head Quarter Office,  
Baroda House, New Delhi-110055
2. Chief Personnel Officer  
Northern Railway, Head Quarters Office  
Baroda House, New Delhi-110055 ... Respondents

(Through Shri A.K. Srivastava, Advocate)

ORDER

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

The applicants are Clerks/ Junior Clerks in clerical cadre in Group `C' working in the Railways. The Pay Band of the clerical cadre is Rs.5200-20200 with Grade Pay of Rs.1900/-. The next higher grade in the hierarchy is of Senior Clerk carrying Grade Pay of Rs.2800/-. After the 6<sup>th</sup> Central Pay Commission (CPC), the Modified Assured Career Progression Scheme (MACPS) was introduced by Government of India which was made applicable to Railway employees also. Under the Scheme, employees are entitled to upgradation of their pay scales after 10, 20 and 30 years of service subject to several conditions. The applicants were granted their first upgradation in Grade Pay of Rs.2000/-.

2. The applicants' case is that in OA No.904/2012, **Sanjay Kumar and others Vs. Secretary, Ministry of Defence, New Delhi and others**, vide order dated 26.11.2012 this Tribunal had granted upgradation under MACPS in the next higher promotional post in the hierarchy of posts in that cadre instead of the Grade Pay in the hierarchy of Grade Pays. This was

based on the judgment of the Hon'ble High Court of Punjab and Haryana in CWP No.19387/2011 decided on 19.10.2011. The Hon'ble High Court has laid down the ratio that even under MACPS, the upgradation will be in the Grade Pay of the next higher promotional post in the hierarchy instead of the next higher Grade Pay in the hierarchy of pay scales. This judgment was challenged in SLP No.7467/2013 and the Hon'ble Supreme Court dismissed the said SLP.

3. Learned counsel for the applicants states that based on the ratio laid down by the Hon'ble Supreme Court, this Tribunal also passed similar orders in OA 864/2014 and OA 1586/2014 and the Hon'ble High Court in W.P.(C) No.3608/2014.

4. The sole argument of the respondents is that under the MACP guidelines, the upgradation under the Scheme has to be in the hierarchy of the Grade Pay and, therefore, the applicants are eligible for the Grade Pay of Rs.2000/- and not Rs.2800/-.

5. We have heard learned counsel for the parties and gone through the pleadings available on record.

6. In view of the judgment of High Court of Punjab & Haryana in CWP No.19387/2011 (supra) and order of the High Court of Delhi in WP(C) No. 3608/2014 (supra), we are of the view that though the MACP Scheme provides for promotion in the next Grade Pay, in view of the judgment of Punjab & Haryana High Court, which has also not been interfered by the Supreme Court, now the settled position is that even under the MACP Scheme,

financial upgradations would be as per promotional hierarchy. As such, the applicants would be entitled for first financial upgradation in the Grade Pay of Rs.2800/- with effect from the date they have been granted first financial upgradation under the MACPS. The OA is allowed with the above direction to be implemented by the respondents within a period of 2 months from receipt of a certified copy of this order. No costs.

( P.K. Basu )  
Member (A)

( Syed Rafat Alam )  
Chairman

*/dkm/*