



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A. 350/01240/2014

Present: Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

1.7.2016

Sri Biswanath Guha,
Son of Late Ranjit Guha,
Worked as Senior Section Officer,
North-East Frontier Railway,
Katihar
And retired from service on 31.12.2010,
Residing at Vill. Udaypur, P.O. – Karnajora,
Raigaunge, Uttar Dinajpur,
Pin – 733 130.

.. Applicant

- VERSUS -

1. Union of India,
Through the General Manager,
Maligaon, Guwahati, Assam,
Pin – 781 011.
2. The Divisional Railway Manager,
Katihar, Bihar, Pin No. 854 105.
3. The Senior Divisional Personnel Officer,
Katihar, Bihar, Pin No. 854 105.
4. The FA & CAO, Maligaon, Assam,
N.F. Railway,
5. The Senior Divisional Finance Manager,
North-East Frontier Railway,
Katihar, Bihar, Pin No. 854 101.

For the Applicant : Mr. N. Roy, Counsel

For the Respondents : Mr. B.L. Gangopadhyay, Counsel

Order dated :

BWY

ORDER

Per Ms. Jaya Das Gupta, Administrative Member:

The applicant in this case, Shri Biswanath Guha, had approached the Central Administrative Tribunal under Section 19 of the AT Act, 1985 seeking the following reliefs:-

"a. To issue direction upon the respondents for grant of 3rd MACP benefit may be given w.e.f. 1.9.2008 forthwith.

b. To issue further direction upon the respondents regarding clarification of 3rd MACP of the applicant may be given forthwith. Same similar circumstanced candidate clarification of MACP has been granted by the Sr. DFM/Katihar, the applicant pay similar benefit regarding 3rd MACP w.e.f. 1.9.2008.

c. To produce connected departmental record at the time of hearing.

d. Any other order or orders Learned Tribunal deem fit and proper.

e. To issue direction upon the respondents to cancel, quash, set aside the order dated 19.9.2013."

2. Heard Ld. Counsel for the parties and consulted the records.

3. The applicant entered service on 20.6.1979 as Clerk Gr. II and retired from service on 31.12.2010. He was promoted subsequently to the post of Junior Accounts Assistant on 1.2.1989, thereafter to the post of Section Officer on 21.2.91 and thereafter to the post of Sr. Section Officer on 8.8.94. It is the grievance of the applicant that though he got the benefit under the MACP Scheme on 1.9.2008 he has not been given an additional increment also as has been allegedly given to another similarly situated candidate Shri L.N. Singh.

4. The correspondence regarding grant of MACP to the applicant by the respondent authorities dated 19.9.2013, (Annexure A-5) dated 9.1.2012 (Annexure A-6) and communication dated 1.2.2011 relating to Shri L.N. Singh is set out below:-

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“(a)

**OFFICE OF THE
SR. DIVISIONAL FINANCE MANAGER
N.F. RAILWAY, KATIHAR**

No. KIR/AD/Appeal/06

Dated: 19.9.2013

To
Shri B.N. Guha, Ex.-Sr. SO,
'BISWATRU', Near Mobile Tower
And Chitta Ranjan Ghosh House,
P.O. – Karnajora,
Raiganj, Dist-Uttar Dinajpur (WB),
Pin - 733130

Sub: Granting 3rd increment benefits under MACP Scheme
w.e.f. 1.9.08.

Ref: Your application dated 4.9.2013.

In terms of your application dtd. 4.9.2013, regarding grant of one increment at the time of granting 3rd MACP, it is to inform you that as per this Office Order No. 54 dtd. 09.1.2012, one increment has already been granted at the time of fixation of pay while granting 3rd MACP and also the necessary amount has been paid to you from this end.

**Sr. Divisional Finance Manager
N.F. Railway, Katihar.”**

“(b)

**OFFICE OF THE
SR. DIVL. FINANCE MANAGER
N.F. RAILWAY/KATIHAR**

O.O. No. 54

In terms of Rly. Board's L/No. PC-V/2009/ACP/2 dtd. 10.6.2009 under GM(P)/MLG's L/No. EPS/529 No. E/205/75th PC (C) Pt. II dtd. 18.6.2009, the following staff of Accounts Department, on being found suitable for the financial upgradation under MACP on being approved by ADRM/KIR are hereby granted 1st, 2nd & 3rd Financial Upgradation each on completion of 10, 20 & 30 years of their regular service.

The MACP contemplates merely placement on personal basis in the immediate higher Grade Pay/Grant of financial benefits only and shall not account to actual functional promotion of the employee concerned. As such, there shall no additional financial upgradation for the senior employee on the ground that the junior employee in the grade has got higher Pay Grade under MACPs.

The Staff concerned have an option under Rule 1313(1)(a) of IREC Vol.-II(IR-22)(1)(a)(i) to get their pay fixed on the higher post/Grade Pay higher from the date of promotion/Upgradation from the date of

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Next increment viz-1st July of the year within one month from the date of issue of this order.

MACP

S/N	NAME	Desig	Pay as on 1.7.08	Pay fixed after awarding MACP w.e.f. 1.9.2008	Pay raised as on 1.7.2009	Pay raised as on 1.7.2010
1	Shri B.N. Guha	Ex-Sr. SO(A) Retd. On 31.12.10	Rs.20,180+ 4800	Rs. 20,930 + 5400/- in PB2	Rs. 21720 + 5400/-	Rs. 22540 + 5400/-

Authority:- On PP-8 & 9 in case KIR/AD/MACP/4.

Sr. Divl Finance Manager
N.F. Railway/Katihar

“(c)

N.F. RAILWAY

Office of
Sr. Divl Finance Manager
N.F. Railway/Katihar

O.O. No. 06

In terms of Rly. Board's L/No. PC-V/2009/ACP-2 dtd. 10.6.2009 under Civil (P)/MLG's L/No. EPS/529 No. E/205/75-VI PC (C)Pt.-II dated 18.6.2009, the following staff of Accounts Department, on being found suitable for the financial upgradation under MACP on being approved by ADRM/KIR, are hereby granted 1st, 2nd and 3rd Financial Upgradation on completion of 10, 20 & 30 years of their regular service.

The MACP contemplates merely placement on personal basis in the immediate higher Grade Pay/Grant of financial benefits only and shall not account to actual functional promotion of the employee concerned. As such there shall no additional financial upgradation for the senior employee on the ground that the junior employee in the grade has got higher Pay Grade under MACPs.

The staff concerned have an option under Rule-1313(1)(a) of IREC Vol-II (IR-22(1)(a)(i) to get their pay fixed on the higher Post Grade pay higher from the date of promotion/Upgradation from the date of next increment viz-July of the year within one month from the date of issue of this order.

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MACP

S/N	NAME with Designation	Pay as on 1.7.08	Pay fixed after awarding MACP w.e.f. 1.9.2008	Pay raised as on 1.7.2009	Pay raised as on 1.7.2010
1	Shri Lakshmi Narayan Singh, EX. Sr. SO(A/Cs)	Rs.21,090+ 4800	(1)Rs.21870 + 5400/- (2 nd MACP) (2)Rs.22690 + 5400/- (3 rd MACP)	(1)Rs. 22690 + 5400/- (2) Rs. 23540 + 5400/-	(1)Rs. 23540 + 5400/- (2) Rs. 24410 + 5400/-

Sr. Divl Finance Manager
N.F. Railway/Katihar
Date:1.2.2011"

4. It is apparent that the applicant has received three promotions from the post of Clerk Gr. II to Junior Accounts Assistant; from the post of Junior Accounts Assistant to Section Officer and from the post of Section Officer to Sr. Section Officer. From the reply it is also apparent that as per recommendations of 6th Central Pay Commission the post of Section Officer and Sr. Section Officer has been merged to the post of Sr. Section Officer. Therefore, as per Section 5 of the MACP Scheme of 2009 such promotion from the post of Section Officer to Sr. Section Officer will be ignored and the applicant becomes entitled to a MACP benefit. Since he has joined service on 20.6.1979, he will be eligible for 3rd MACP (as he has availed of two promotions earlier) from 1.9.2008. It is clear from Annexure A-6 regarding extension of MACP benefit to the applicant that he was enjoying the Grade Pay of Rs. 4800/- on 1.7.2008 and rightly from 1.9.2008, as per the MACP Scheme he has been placed in the next Grade Pay of Rs. 5400/-. Therefore, the MACP benefit has been given to him correctly as per Scheme. It is to be emphasised that on extension of MACP Scheme there is no provision of

One additional increment has been given for pay benefit giving a higher grade pay together with one additional increment. One additional increment is due only, if the higher grade pay cannot be given because of the provisions under Section 8 of MACP Scheme. Here this is not the case. The applicant has alleged that Shri L.N. Singh has received both the benefits of MACP Scheme and one additional increment under MACP Scheme. This is not permissible as per stipulations of the Scheme. For argument sake, if one wrong has been done in the case of L.N. Singh during extension of MACP benefits the same wrong cannot be extended to others.

5. Based on the above facts, we do not find any merit in the case. The case is accordingly dismissed. No costs.

(Jaya Das Gupta)
MEMBER(A)

(Vishnu Chandra Gupta)
MEMBER(J)

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