

1

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

**LIBRARY**

No. O.A. 350/00222/2016

Date of order : 15.11.2016

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

MANICK CH. GHOSH

VS.

UNION OF INDIA & ORS. (Eastern Railway)

For the Applicant : Mr. P.C. Das, Counsel  
Ms. T. Maity, Counsel

For the Respondents : Mr. M.K. Bandyopadhyay, Counsel

**O R D E R (Oral)**

**Per Justice Shri Vishnu Chandra Gupta, Judicial Member:**

The present Original Application has been filed by the applicant, Shri Manick Ch. Ghosh seeking the following reliefs:-

"a) To pass an appropriate order directing upon the respondents authority concerned to carry out the office order dated 09.12.2015 being Annexure A-2 of this original application by sending your applicant for the prescribed medical examination and to send him for promotional training for the post of Goods Guard for effecting your applicant's promotion for the post of Goods Guard immediately because your applicant will be retiring from service in the month of February, 2016 and to give effect of his promotion after completion of his training along with all consequential benefits by setting aside the order dated 25.1.2016.

b) To pass an appropriate order directing upon the respondents authority concerned to rectify or modify the impugned office order dated 18.1.2016 in respect of the applicant by giving appropriate benefit of MACP of Rs. 4200/- instead of Rs. 2800/- who's name appeared at Serial No. 5 in the said office order dated 18.1.2016 being Annexure A-4 of this original application along with all consequential benefits.

c) To pass an appropriate order directing upon the respondents authority to give the appropriate promotional benefits upon the applicant along with benefit of MACP before retirement of the present applicant so that before retirement he can get all the benefits."

2. The undisputed facts of the case are that the applicant was initially



appointed as a non-Technical Gr. 'D' post on 24.11.1990 in the pay scale of Rs. 750-940/- . He was further promoted as Pointsman-I in pay scale Rs. 3050-4590/- w.e.f. 17.3.2001. He was selected as Cabin Master in pay scale of Rs. 4000-6000/- on 19.2.2005. Thereafter on 9.12.2015 he was selected to be promoted for the post of Goods Guard. On 14.12.2015 the applicant prayed to the Sr. DPO, Eastern Railway, Sealdah Division to spare him for training. Thereafter on 18.1.2016 the respondents called the applicant for medical test to implement the promotional order but on the same day the applicant was granted the benefit of 3<sup>rd</sup> MACP from Grade Pay of Rs. 2400/- to Rs. 2800/- treating him as not promoted to Goods Guard and being on stagnation as Cabin Man. On 19.1.2016 the applicant who was satisfied with the order of granting MACP made a request by moving a representation to implement the order of granting MACP. Thereafter the applicant filed the present O.A. claiming the aforesaid reliefs.

3. Reply has been filed by the respondents. No rejoinder affidavit has been filed. In the reply a preliminary question has been raised that two reliefs as claimed by the applicant cannot be granted in this O.A. The applicant either has to press the relief with regard to grant of promotion or he should restrict his relief for grant of 3<sup>rd</sup> MACP.

4. So are as the first relief which relates to granting of promotion is concerned the applicant's Counsel made a statement at Bar that he does not want to press that relief and he wants the relief of grant of 3<sup>rd</sup> MACP vide order dated 18.1.2016.

5. As two promotions have already been granted and the applicant is entitled to third MACP. On 18.1.2016 order has been passed because till that date he was not promoted.

6. The Ld. Counsel for the respondents further submits that the order

of 18.1.2016 contains that the order would be implemented only when the option would be given by the applicant. It has been stated by the Ld. Counsel for the applicant that opinion has already been given by way of submission of the representation.

7. Hence, we dispose of this O.A. finally with the following direction:-

The respondents will implement the order of 18.1.2016 granting benefit of 3<sup>rd</sup> MACP to the applicant from Grade Pay Rs. 2400/- to Rs. 2800/-, if not implemented so far, within a period of a month with entire arrears and in case the applicant has already submitted the option.

8. With this observation, the O.A. is finally disposed of. The interim order granted earlier accordingly stands vacated.



(Jaya Das Gupta)  
MEMBER(A)

(Vishnu Chandra Gupta)  
MEMBER(J)

SP