

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

No. O.A. 560 of 2012

Date of order: 29.8.2018

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Sitangshu Bhattacharjee,
Son of Sri Monoranjan Bhattacharjee,
Aged about 61 years,
Residing at 9/17/9, Barendragali,
G.T. Road, Post Office – Halisahar – 743134,
District – 24 Parganas (North),
Worked as Clerk Gr. III of CLW.

.. Applicant

- VERSUS -

1. Union of India,
Service through the General Manager,
Eastern Railway,
17, N.S. Road,
Kolkata – 700 001.

2. The Secretary,
Ministry of Railway,
Government of India,
Rail Bhawan,
New Delhi – 110 001.

3. The Director (Establishment),
Ministry of Railway,
Government of India,
Rail Bhawan,
New Delhi – 110 001.

4. The Chief Personnel Officer,
Eastern Railway,
17, N.S. Road,
Kolkata – 700 001.

5. The Assistant Personnel Officer,
Headquarters,
Eastern Railway,
17, N.S. Road,
Kolkata – 700 001.

6. The General Manager,



Chittaranjan Locomotive Works,
Post Office – Chittaranjan,
District – Burdwan.

7. D. Haldar.
8. Smt. P. Pal.
9. P.K. Neogi.
10. Smt. S. Biswas.
11. S.B. Minz

(Respondent Nos. 7 to 11 all are working in the
Office of the General Manager (Law), Eastern
Railway, 3, Koilaghat Street, Kolkata – 700 001.

.. Respondents

For the Applicant : Mr. P.C. Das, Counsel

For the Respondents : None

PER DR. NANDITA CHATTERJEE, ADMINISTRATIVE MEMBER:

The instant Original Application has been filed under Section 19 of the
Administrative Tribunals Act, 1985 seeking the following relief:-

"(a) To pass an appropriate order directing upon the respondent authority to modify the office order dated 30.4.2010 to the extent for inclusion your applicant's name in the said office order after granting the benefit of MACP in favour of the applicant with effect from the date when his juniors are getting the same in the Grade Pay of Rs. 4600/- and with all consequential benefits.

(b) To quash and/or set aside the impugned communication letter dated 16.6.2011 by which the Chief Personnel Officer, Eastern Railway has been rejected the claim of the applicant regarding grant of benefit of MACP in favour of the applicant by complying to the Clause 9 and 10 and Clause 20 of the Railway Board's Circular dated 10.6.2009 which has been interfered by this Hon'ble Tribunal under Para 7 of the order dated 16.11.2011 in O.A. No. 545 of 2010;

(c) To pass an appropriate order directing upon the respondent authority to grant the benefit of the MACP in favour of the applicant in the Grade Pay of Rs. 4600/- with effect from the date when his juniors have got the same and to step up your applicant's pay at par with his juniors along with all consequential benefits;

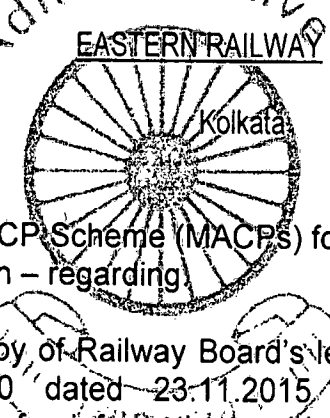
(d) To pass an appropriate order directing upon the respondent authority to quash and/or set aside the order in respect of reduced of your

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applicant's basic pay from Rs. 360 to 284 and to protect your applicant's pay vis-à-vis the pay of the applicant in the Chittaranjan Locomotive Works as well as in the Eastern Railway with effect from 1.10.1980 along with all consequential benefits."

2. Ld. Counsel for both sides are present; examined pleadings on record.
3. Ld. Counsel for the applicant submits that the order of the respondents' dated 16.6.2011, so impugned, (annexed as Annexure A-4 to the O.A.) has been challenged on the ground that the applicant is entitled to the Grade Pay of Rs. 4600/- w.e.f. the date when his juniors have received the same and cites Sri. Circular No. 175 of 2015 dated 2.12.2015 of the Eastern Railway in his support. The said circular clarifies the modified ACP Scheme for Railway employees, inter alia, as follows:-

Serial Circular No. 175/2015



No. E.368/O/ACP/Pt.II dated: 2.12.2015

All Concerned

Sub: Modified ACP Scheme (MACPS) for Railway employees-

▪ Clarification – regarding

The following copy of Railway Board's letter No. PC-V/2009/ACP/2, S.No. PC-VI/360 dated 23.11.2015 (RBE No. 147/2015) is appended below for information, guidance and necessary action. Board's earlier RBE No. 08/2013, as mentioned therein, was circulated under this office serial No. 17/2013.

Sd/-
(K.K. Murmu)
Asstt. Personnel Officer/R&Bills
For Chief Personnel Officer

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"..... It is now further clarified that wherever an official, in accordance with terms and conditions of transfer on own volition to a lower post, is reverted to the lower Post/Grade from the promoted Post/Grade before being relieved for the new organization / office, such past promotion in the previous organization / office will be ignored for the purpose of MACP Scheme in the new organization / office."

4. Ld. Counsel for the applicant further submits that the applicant's purpose will be served if he is given liberty to file a comprehensive representation to the

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competent respondent authority, citing the Srl. Circular No. 175/2015 in his support. Ld. Counsel for the respondents, who is present, does not object to the same.

5. Accordingly, without entering into the merits of the matter, we hereby grant the applicant liberty to prefer a comprehensive representation to the competent respondent authority within ten days of receipt of a copy of this order. We further direct the competent respondent authority to dispose of the said representation, if received at his end, within a period of six weeks thereafter and to communicate the decision forthwith to the applicant.

6. With this, the O.A. is disposed of. There will be no order on costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP

