

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD**

**Original Application No.21/885/2014 with  
MA 268/2019 & MA 80/2015**

**Date of Order: 18.04.2019**

Between:

Smt. Y. Mangayamma, W/o. MHHS Venkateswar,  
Aged 54 years, Working as Asst. Physical Director,  
Railway Degree College, Lalaguda, Secunderabad.

... Applicant

And

1. Union of India, Rep. through its Secretary,  
Ministry of Railways, New Delhi.
2. The Railway Board, Rep. by its Secretary (Estt),  
Ministry of Railways, New Delhi.
3. The General Manager, South Central Railway,  
Rail Nilayam, Secunderabad.
4. The Chief Personnel Officer,  
South Central Railway,  
Rail Nilayam, Secunderabad.
5. Railway Degree College,  
Rep. by its Principal,  
Lalaguda, Secunderabad.

... Respondent

Counsel for the Applicant ... Mr.S. Rahul Reddy

Counsel for the Respondents ... Mr. N. Srinivasa Rao, SC for Rlys

***CORAM:***

***Hon'ble Mr. Justice L Narasimha Reddy, Chairman  
Hon'ble Mr. B.V. Sudhakar, Member (Admn.)***

***ORAL ORDER***

***{As per Hon'ble Mr. Justice L Narasimha Reddy, Chairman}***

The applicant joined the services of the Railways as Assistant Lady Physical Director in January 1986. It is stated that she possesses the qualifications of MA, M.P.Ed. from inception. Government of Andhra Pradesh

issued G.O.Ms. No. 136, dated 06.04.1995 providing for upgradation of the post of Assistant Physical Director to the post of Physical Director. The applicant states that the Railway Degree College, in which she is working, is affiliated to Osmania University and the benefit under the G.O.Ms. No. 136, dated 06.04.1995 is available to her also. It is also stated that she is entitled to be extended benefit of ACP/MACP at the relevant stages and that having extended the benefit for some period, the respondents have withdrawn the same without any basis.

2. The OA is filed claiming the benefit of upgradation to the post of Physical Director in terms of G.O.Ms. No. 136, dated 06.04.1995 and for a direction to the respondents to extend the benefit of ACP/MACP.

3. Respondents filed a counter affidavit opposing the OA. It is stated that the applicant joined the post of Assistant Lady Physical Director and at no point of time, there was any promotional avenue available for it under the recruitment rules. It is also stated that the GO Ms. No. 136, dated 06.04.1995 issued by the Government of Andhra Pradesh does not apply to the services of the Railways. As regards ACP/MACP benefit, it is stated that, though the applicant was extended the benefit to certain extent in the year 2016, it was withdrawn on entertaining a doubt. It is also stated that her case for extension of the benefit of second ACP is under consideration.

4. We heard Sri S. Laxma Reddy, learned Senior Counsel appearing for the applicant and Mr. S.M. Patnaik, learned counsel appearing for the respondents.

5. Two issues are raised in this OA. The first one is about promotion/upgradation of the applicant to the post of Physical Director. It is not in dispute

that she was inducted into service in the year 1986 as Assistant Lady Physical Director. The Railways have their own recruitment rules for various posts in their educational institutions. It is not even pleaded by the applicant that the recruitment rules provide for such upgradation. The only basis for her claim is GO Ms. No. 136, dated 06.04.1995 issued by the Government of Andhra Pradesh.

6. It is no doubt true that, under the GO Ms. No. 136, dated 06.04.1995, Government of Andhra Pradesh provided for upgradation/ promotion of Assistant Physical Director to the post of Physical Director subject to certain conditions. By its very nature, the said GO applies to the employees of the State Government but not to the employees of other organizations. Mere fact that the Railway Degree College is affiliated to Osmania University hardly makes any difference. Therefore, the applicant cannot claim the benefit of promotion on the strength of GO Ms. No. 16, dated 06.04.1995.

7. Coming to the question of ACP/MACP, it is not in dispute that the Railways have adopted the Scheme evolved by the Central Government in this behalf. The first ACP becomes payable on completion of 12 years of service in case the applicant did not earn any promotion during that period. Similarly, second ACP becomes payable in the second spell of 12 years when, again, no promotion is earned. When the ACP scheme was replaced by MACP Scheme, the periodicity was changed from 12 years to 10 years and the service of an employee is divided into three components of 10 years each. If the employee did not earn any promotion in the last 10 years, 3<sup>rd</sup> MACP becomes payable. One significant difference between the two schemes is that any financial upgradation of an employee would offset against the MACP unlike in the case of ACP

8. Service particulars of the applicant need to be verified and in case she did not earn any promotion in the first spell of 24 years, she is entitled to the benefit of two ACPs. Third MACP becomes payable in case the applicant did not get any promotion till 30 years. In the counter affidavit also, respondents clearly mentioned that her case is being considered for extension of the benefit of ACP. Such benefits are required to be extended as and when employee completes respective spells of service. It cannot be delayed any further.

9. We, therefore, partly allow the OA directing the respondents to process the case of the applicant for extension of ACP/MACP benefits and pass final orders, within a period of six weeks from the date of receipt of this order. Depending on the nature of the order passed in this behalf, arrears shall also be extended to the applicant immediately. Miscellaneous Applications shall stand disposed of.

10. There shall be no order as to costs.

**(B.V. SUDHAKAR )**  
**MEMBER (ADMN.)**

**(JUSTICE L. NARASIMHA REDDY)**  
**CHAIRMAN**

(Dictated in open court)  
Dated, the 18<sup>th</sup> day of April, 2019

*evr*