

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**PATNA BENCH, PATNA**  
**OA/050/00188/2015**

Date of Order: 27.03.2019

**C O R A M**

**HON'BLE MR. JAYESH V. BHAIRAVIA, JUDICIAL MEMBER**  
**HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER**

1. Krishna Kumar Singh, S/o Late Braj ishore Singh, retired as chief Yard Master under the DRM, EC Railway, Sonapur Division, Sonapur (Bihar), at present residing C/o Sri P.N. Jha, House No. 31, Road No. 5, North Patel Nagar, Patna- 800024.
2. Birendra Kumar Singh, S/o Late Sadabrat Pd. Singh, retired as Station Supdt., Barauni Jn., under the DRM/EC Railway, Sonapur Division, Sonapur (Bihar), residing Rly. Qr. No. T-81 A, Rajwara Railway Colony, Barauni, District- Begusarai (Bihar).

.... Applicant.

By Advocate: - Mr. A.N. Jha

-Versus-

1. The Union of India through the General Manager, East Central Railway, Hajipur, District- Vaishali (Bihar).
2. The General Manager (Personnel), East Central Railway, Hajipur, District- Vaishali (Bihar).
3. The Divisional Railway Manager, East Central Railway, Sonpur, PO- Sonpur, District- Saran (Bihar).
4. The Senior Divisional Operating Manager, East Central Railway, Sonpur, PO - Sonpur, District- Saran (Bihar).
5. The Senior Divisional Personnel Officer, East Central Railway, Sonpur, PO- Sonpur, PO- Sonpur, District- Saran (Bihar).
6. The Senior Divisional Financial Manager, East Central Railway, Sonpur, PO- Sonpur, District- Saran (Bihar).

.... Respondents.

By Advocate: - Mr. S.K. Ravi

**O R D E R**  
**[ORAL]**

**Per Dinesh Sharma, A.M:-** This is OA against the order dated 05.01.2012 issued by Divisional Railway Manager (Personnel), Sonpur by which the benefits of MACP granted to the applicants by order dated

15.07.2010 were revised alleging that they had already got three such benefits in their past service. According to the applicants this is in violation of Article 14 and 16 of Constitution of India, all norms of principles of natural justice as well as against the judicial pronouncements of Hon'ble Tribunal, Hon'ble High Courts and Hon'ble Supreme Court. They have specifically quoted the judgments dated 22.02.2012 passed by CAT, Ernakulam Bench in OA No. 484/2011 and other such OAs which have been followed by other benches including Patna Bench (in OA 721/2012).

3. The respondents, in their written statement, have denied the claim of the applicants. According to them, the applicants have already got three promotions which also involve change in their scale of pay and grade pay (from A II Signaler to ASM in Grade Pay of Rs. 2800/-, from ASM to Station Master in Grade Pay of Rs. 4200/- and finally as Station Superintendent in the Grade Pay of Rs. 4600/-). Hence, the benefit given for the fourth time was clearly a mistake which was corrected through the impugned order. They have also alleged that the citations quoted by the applicants have no bearing on the dispute involved in the present case.

4. We have gone through the pleadings and heard the learned counsels of both the parties. The learned counsel for the applicant mainly stressed on the judicial pronouncements made by this Bench of the Tribunal based on the decision of Ernakulam Bench of the Tribunal. The learned counsel for the respondents however vehemently argued that the facts involved in the decisions cited above were materially different from the facts of this case. After going through the decision of the Ernakulam Bench,

we find that that decision was based on finding the grant of MACP in order and it had declared the consequent recovery as illegal. In this case, the facts clearly show that the applicants did get three promotions and the grant of benefit under MACP for the fourth time was clearly not correct. Though the learned counsel for the applicants argued that the first promotion from A-II Signaler to ASM was actually not a promotion but an original appointment following completion of training as Signaler he could not produce anything to support this argument except for a letter offering temporary appointment as Trainees, dated 14.04.1977. A reading of this letter shows that this appointment was as Trainee A II Signaler which was to be converted into regular appointment on completion of 9 months from the date of joining. The fact that the applicants were appointed in the year 1978, on completion of this training, as regular appointees to the post of A II Signaler, makes it abundantly clear that their initial appointment was as A II Signaler and not as Assistant Station Master. In such situation, not considering their promotion as Assistant Station Master as first promotion will be wrong. Since both the applicants have got three clear promotions with financial upgradations in their career, any further benefit under MACP is clearly a mistake and therefore the order by which such mistake was corrected cannot be found fault with. The OA is, therefore, dismissed. No order as to costs.

**[ Dinesh Sharma ]**  
**Administrative Member**  
**Srk.**

**[Jayesh V. Bhairavia]**  
**Judicial Member**

