

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00691/15**

Date of Order: 29.04.2019

C O R A M

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

1. Ranjeet Singh, Son of Late Jaleshwar Singh, Guard (Mail), East Central Railway, Sonpur District- Saran (Bihar).
2. Umlesh Kumar Singh, Son of Sri Ganga Prasad Singh, Senior Passenger Guard, East Central Railway, Sonpur, District- Saran (Bihar).
3. Anand Mohan, Son of Late Jai Narayan Sinha, Guard (Mail), East Central Railway, Muzaffarpur (Bihar).

.... Applicants.

By Advocate: - Mr. M.P. Dixit

-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 Chief Operating Manager, East Central Railway, Hajipur, District- Vaishali (Bihar).
4. The Divisional Railway Manager, East Central Railway, Sonpur, PO- Sonpur, District- Saran (Bihar).
5. The Senior Divisional Operating Manager, East Central Railway, Sonpur, PO- Sonpur, District- Saran (Bihar).
6. The Senior Divisional Personnel Officer, East Central Railway, Sonpur, PO- Sonpur, District- Saran (Bihar).
7. The Senior Divisional Financial Manager, East Central Railway, Sonpur, PO- Sonpur, District- Saran (Bihar).

.... Respondents.

By Advocate: - Mr. S. K. Griyaghey

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

Per Dinesh Sharma, A.M:- The OA is filed against the order dated 15.07.2015 by the office of DRM(P), Sonpur whereby the claim of the applicants for grant of promotional increment on account of their

promotion from the post of Senior Goods Guard to the post of Passenger Guard has been rejected. According to them, this is wrong, contrary to various judicial pronouncements and also against the order of Railway Board dated 06.04.2004. The Railway Board has issued a letter dated 22.05.2014 where it is shown that Goods Guard on promotion to the post of Senior Goods Guard are entitled to get promotional increment but in the case of the applicants, they were neither granted promotional increment on their promotion to the Senior Goods Gard nor on their promotion to the post of Senior Passenger Guard. Hence, this OA.

3. The respondents have denied the claim of the applicants. They have stated that according to Railway Board Circular RBE No. 78/2004 where an employee has already got benefit of fixation on non-functional movement/promotion under the earlier scheme in vogue prior to implementation of pay revision order (1.1.2006), such employee will not be entitled to fixation again under the rules of functional promotion in identical scale under the new scheme. It is submitted that the applicants were promoted from the post of Goods Guard (4500-7000) to the post of Senior Goods Guard (5000-8000) and their pay was raised from Rs. 6250/- to Rs. 6350/- w.e.f. 04.06.2004 (Annexure A/1). They were also given benefit of promotion increment while promoting them from Sr. Goods Guard to Passenger Guard vide office orders issued dated 04.05.2006 and 13.06.2008 (Annexure A/2 and A/3). All the applicants have been given the benefit of promotion increment at the time of promotion from Sr. Passenger Guard to Mail Guard which is clearly indicated in the office order issued on

25.10.2013 and 11.12.2014 (Annexures A/4 and A/5 of the OA). Since all the staff in the running category of Guard who had been earlier granted the benefit of promotion increment on promotion from Goods Guard to Sr. Goods Guard, the increment granted to them from Sr. Goods Guard to Passenger Guard was not admissible and hence it has been withdrawn and their pay has been revised vide office memorandum No. 210 dated 23.01.2015 (Annexure R/2). On a representation made by the applicant no. 1 on 16.03.2015 this fact was duly intimated vide this office letter dated 15.07.2015 - Annexure A/7 of the OA (impugned order). The OA, therefore, deserves to be dismissed.

4. No rejoinder has been filed by the applicants.

5. After going through the pleadings and hearing the arguments of both parties, it is clear that the respondents' department have explained why the increment granted on promotion from Sr. Goods Guard to Passenger Guards was withdrawn as it was not in consonance with railway circular RBE 78/2004. The applicants have already got promotion increment on their promotion from Goods Guard to Senior Goods Guard and also from Sr. Passenger Guard to Mail Guard. Since the applicants have not filed any rejoinder to this categorical clarification given by the respondents, we find no merit in the OA, and it is accordingly dismissed. No order as to costs.

[Dinesh Sharma]
Administrative Member
Srk.

[Jayesh V. Bhairavia]
Judicial Member