

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00697/15

Date of Order: 06.03.2019

C O R A M

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

1. Bijay Kumar Chaudhary, S/o Kate Iswar Prasad Choudhary, working as Mail/Express Guard, Muzaffarpur, EC Railway, Sonpur Division, resident of Mohalla- Speaker Road, Naya Tola, Muzaffarpur (Bihar),
2. N.K. Sinha, S/o Late Awadesh Prasad Sinha, working as Mail/Express Guard, Muzaffarpur, EC Railway, Sonpur Division, Sonpur at present residing in Rly. Qr. No. 209A Brahmapur Railway Colony, Muzaffarpur (Bihar).
3. H.B.P. Singh, S/o Late Babar Pd, working as Mail/Express Guard, Muzaffarpur, EC Railway, Sonpur Division, Sonpur, resident of Mohalla- Srikrishna Nagar, Motihar (Bihar).
4. H.S. Ahluwalia, S/o Late Guru Bachan Singh, working as Mail/Express Guard, Barauni, EC Railway, Sonpur Division, Sonpur at present residing in Banglow no. L-7A, Railway Colony, Barauni, District-Begusarai, Bihar.
5. J.K. Singh, S/o Shri Gorakh Nath Singh working as Mail/Express Guard, Sonpur, EC Railway, Sonpur Division, Sonpur, residing in Railway Qr. No. T/149/H, Road No. 8, Barbatta Railway Colony, Sonpur, District-Chapra, Saran (Bihar).
6. Arvind Kumar Singh, S/o Late Laxmi Narain Singh, working as Mail/Express Guard, Barauni, EC Railway, Sonpur Division, residing in Rly. Qr. No. 307B, Ganga Bridge Railway Colony, Garhara, District-Begusarai (Bihar).

.... Applicants.

By Advocate: - Mr. A.N. Jha

-Versus-

1. The Union of India represented through the General Manager EC Railway, Hajipur, Distt.- Vaishali (Bihar).
2. The General Manager (Personnel), EC Railway, Hajipur, Distt. Vaishali (Bihar).
3. The Divisional Railway Manager, EC Railway, Sonpur Division, Sonpur (Bihar).
4. The Divisional Railway Manager (Personnel), EC Railway, Sonpur Division, Sonpur (Bihar).

.... Respondents.

By Advocate: - Mr. Mr. Mukunjee, Sr. Panel Rly. Counsel
Mr. S.K. Ravi, Standing Counsel for Railways.

O R D E R
[ORAL]

Per Dinesh Sharma, A.M:- The prayer of the applicants is for grant of the benefit of MACP with effect from 01.09.2008 with all consequential benefits in line with the orders passed by the Ernakulam Bench, Allahabad Bench and Patna Bench of the Tribunal of this matter.

2. The respondents, in their written statement, have denied the claim of the applicants. However, with respect to the applicants' claim about following the decision of the Ernakulam Bench the respondents have cryptically stated as follows:-

“it is humbly stated that no MACP benefit granted to the Guard which has to be recovered in the present case. The aforesaid action is as per extant rules. ”

3. We have gone through the pleadings and heard the argument of the learned counsels of both the sides. We find that the efforts made by the respondents to distinguish their case from cases of similarly placed persons in matters decided by other benches of this Tribunal are technical and feeble. Since the filing of this OA there have been other decisions by this Bench of the Tribunal (OA 721/2012 decided on 01.06.2017 and OA Nos. 204 to 209 of 2014 decided on 15.12.2017) where the decision of the Ernakulam Bench was followed. In another decision of the Hon'ble Patna High Court of Patna in CWJC No. 6398 of 2016, a decision taken by CAT, Patna in OA 663/2013 following decision of Ernakulam Bench of CAT was

found to be correct. Thus, this matter has been sufficiently settled by various decisions of this Bench and other Co-ordinates benches of the Tribunal. Therefore, the OA is disposed of with a direction to the respondents to consider the cases of the applicants in the light of the decision passed in OA No/050/00204/2014 & Ors. and grant them benefit of MACP as admissible in the light of these decisions. Necessary orders in this regard will be passed by the respondents within three months from the date of receipt of this order. No order as to costs.

[Dinesh Sharma]
Administrative Member
Srk.

[Jayesh V. Bhairavia]
Judicial Member