

**Central Administrative Tribunal
Principal Bench, New Delhi**

**OA No. 709/2014
MA No. 610/2014**

This the day 9th May, 2019

**Hon'ble Sh. Pradeep Kumar, Member (A)
Hon'ble Sh. Ashish Kalia, Member (J)**

Susheela Devi
W/o late Chandra Bhushan Singh
Family Health Attendant
Under Sr. Divisional Medical Officer
Northern Railway, Ghaziabad

... Applicant

(By Advocate : Ms. Meenu Mainee)

VERSUS

Union of India : Through

1. General Manager
Northern Railway
Baroda House, New Delhi
2. Divisional Railway Manager
Northern Railway
State Entry Road,
New Delhi
3. Sr. Divisional Medical Officer
Northern Railway, Ghaziabad

...Respondents

(By Advocate : Sh. Satpal Singh with Ms. Neetu Mishra)

ORDER (ORAL)

Hon'ble Sh. Ashish Kalia, Member (J):

The present OA is filed by the applicant, herein, seeking directions for grant of 2nd financial upgradation under MACP Scheme from the date when she had completed 20 years of service, taking into account the full period of temporary status as per law and is also seeking grant of the consequential benefits, thereafter.

2. Notices were issued to the respondents, whose reply was submitted. Their representation to this fact, has not been filed. So this matter cannot be adjudicated as per the reliefs prayed for.

3. Learned counsels for the respondents have submitted that whatever the benefits are available, as per the service rendered by the applicant after counting 50% of the temporary service, has already been given.

4. But the learned counsel for applicant has relied upon the judgment passed by this Tribunal in **OA 2626/2013** decided on 19.02.2019 and she seeks similar benefits.

5. As per the judgment of the Hon'ble Apex Court decision in ***Union of India & Ors. vs. Rakesh Kumar &***

Ors. in Civil Appeal No. 3938 of 2017 decided on 24.03.2017 (Para 20) subject to provisions of these rules, qualifying service of the applicant commences from the date she takes charge of the post, to which she is first appointed either substantially or in officiating or in temporary capacity of the employment.

Provided that, the officiating or temporary service follows without any interruption by substantive appointment in the same or another service or post.

6. After hearing both sides, we are of the view that let this applicant make a detailed representation to the respondents, making a prayer for grant of MACP, within a period of 30 days. Thereafter, the respondents may decide her case by passing a speaking order within 3 months.

If the grievance still subsists, then the applicant may approach this Tribunal by filing a fresh application.

7. Hence, the OA and MA is disposed of. No order as to costs.

(Ashish Kalia)
Member (J)

(Pradeep Kumar)
Member (A)