

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

CP No.38/2017
OA No.1451/2013

New Delhi this the 3rd day of December, 2018

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MR. PRADEEP KUMAR, MEMBER (A)**

Mange Ram
S/o Late Sh. Mam Raj
R/o Pretvi Vihar,
Meerut Road, Karnal,
Haryana. ...Petitioner

(By advocate Mr. Ramesh Shukla for Mr. R.K. Shukla)

VERSUS

Sh. Arun Arora
Divisional Railway Manager
Northern Railway, Delhi Division
DRM Office, State Entry Road,
New Delhi. ...Respondents

(By advocate: Mr. Kripa Shankar Prasad)

:ORDER (Oral):

HON'BLE SHRI V. AJAY KUMAR, MEMBER (J):

Heard learned proxy counsel for the applicant as well as learned counsel for the respondents.

2. Learned counsel for the respondents have drawn our attention to the order of the Hon'ble High Court of Delhi in a batch of Writ Petitions bearing W.P. (Civil) No.4148/2015 decided on 14.08.2018, which were filed against the orders of this

Tribunal by which the OA No.1451/2013 of the applicant was also disposed of, and the relevant paras of the same are as under:-

"5. Learned counsel for the parties state in unison that in so far as the issue of reckoning the periods of service as a casual labour, period of service after grant of temporary status and the period of regular service is concerned, for the purposes of pensionary benefits, the matter now stands finally settled and there is no dispute on this aspect.

6. Coming to the release of ACP and MACP benefits, learned counsel for the parties have drawn our attention to R.B.E. No.215/2009 which reads as follows:-

"R.B.E. No.215/2009

Subject: Extension of the benefit of MACP Scheme to the reckon 50% of the Temporary Status casual labour service.

Please refer to Board's letter of even number dated 10.06.2009 regarding the Modified Assured Career Progression Scheme (MACPS).

2. The issue regarding extension of the scope of the MACP Scheme so as to count 50% of temporary status casual labour service on absorption in regular employment for the purpose of grant of benefit under the MACP had been under consideration.

3. The matter has been examined and it has been decided that 50% of temporary status casual labour service on absorption in regular employment may be taken into account towards the minimum service of 10, 20 and 30 years for the grant of benefit under the MACP Scheme on the analogy that the same is also reckoned as qualifying service for pension.

4. This issue with the concurrence of the Finance Directorate of the Ministry of Railways."

7. It is submitted by learned counsel for the petitioners that for the purposes of extending the benefits under the MACP Scheme, 50% of the temporary status of a casual labour shall be counted till his absorption in the regular employment. The said submission is supported by learned counsels for the respondents who state that there is no dispute on this issue as well.

8. This being the position, all the impugned orders are quashed and set aside. The present petitions are disposed of with a direction to the petitioners to re-calculate the pensionary benefits of each of the respondents in terms of the judgment of the Supreme Court in the case of **Rakesh Kumar** (*supra*). Further, the benefit of the ACP/MACP Scheme shall be calculated in each case on the basis of the circular referred to above namely, R.B.E. No.215/2009 by counting 50% of service after grant of temporary status to the respondents, in addition to the length of service after grant of regular appointment. The entire process shall be completed by the petitioners within three months from today and

the arrears shall be paid to the respondents within two months therefrom along with a computation."

3. The learned counsel for the respondents further submits that, in compliance of the orders of this Tribunal, as modified by the Hon'ble High Court, the respondents have issued orders on 25.09.2018 and accordingly, prays for dismissal of the C.P.

4. In the circumstances and in view of the substantial compliance, the CP is closed. Notices are discharged. However, the petitioner is at liberty to avail his remedies in accordance with law, if he is still having any other grievances. No Costs.

(PRADEEP KUMAR)
MEMBER (A)

(V. AJAY KUMAR)
MEMBER (J)

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