

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

O.A. No.1796 of 2016

Orders reserved on 28.03.2019

Orders pronounced on : 10.04.2019

**Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)**

Krishna Kumar Rajput,
Aged about 66 years son of Shri Naim Singh,
Rtd. Sr. Inspector of Stores Accounts (Sr. ISA),
in Group 'C' from the Office of FA & CAO,
Indian Railway Project – Management Unit,
IRCOT Premises, Shivaji Bridge,
(Behind Shaker Market) NEW DELHI – 110001.

Resident of : A-50, Nirbhay Nagar, Agra,
District AGRA (U.P.) 282007.

....Applicant
(By Advocate : Shri H.P. Chakravorti)

VERSUS

1. Union of India thro'
The Chairman, Railway Board,
Ex-Officio Principal Secretary,
To Govt. of India, Ministry of Railways,
Rail Bhawan, New Delhi-110001.
2. The Financial Advisor & Chief Accounts Officer
(FA&CAO)
GM's Office, North Central Railway,
Subedar Ganj, ALLAHABAD U.P.
3. The Financial Advisor & Chief Accounts Officer
(FA&CAO)
Indian Railway Project – Management Unit,
(Behind Shaker Market)
New Delhi-110001;
4. The Senior Divisional Finance Manager,
DRM's Office Agra, North Central Railway,
Distt. AGRA, U.P. 282001;

.....Respondents
(By Advocate : Shailendra Tiwari)

O R D E R

Ms. Nita Chowdhury, Member (A):

Heard learned counsel for the parties.

2. By filing this OA, the applicant is seeking the following reliefs:-

- “(i) to allow the OA and quash and set-aside the Impugned Order dated 28.09.2015 & 02.03.2016 (Annexures A-1 & A-2); and consequently
- (ii) direct the respondents to release the difference of pay and allowance on grant GP Rs.5400/- in PB-II Rs.9300-34800 w.e.f. 01.09.2008 at par with juniors and then revised all the retirement dues at detailed in para 4.16, with interest @ 18% p.a. thereon yearly compounded; and
- (iii) to pass any such other order or direction as the Hon’ble Tribunal may deem just and proper as per facts and circumstances of the case besides the cost and expenses of present litigation.”

3. The grievance of the applicant in this case is twofold as according to him, he is entitled to 3rd MACP in Grade Pay of Rs.5400/- w.e.f. 1.9.2008, which request of the applicant was turned down by the respondents vide impugned order dated 28.9.2015, and also he sought a direction to the respondents to release difference of pay and allowances on grade pay of Rs.5400/- in PB-II Rs.9300-34800 w.e.f. 1.9.2008 at par with juniors and then revised all the retirement dues with interest @ 18 p.a..

4. So far as the claim of the applicant of third MACP is concerned, the respondents have categorically stated in their reply that the applicant after initially joining their service on 17.2.1972 as Clerk Grade-II in the pay scale of Rs.110-180 (Present Grade Pay Rs.1900/-) and the applicant's services in Railways were confirmed after passing of Appendix II exam in April 1973. First promotion was granted to him from the said post to the post of Clerk Grade I on 26.11.1975 in the pay scale of Rs.330-560 (present Grade Pay Rs.2800/-). Thereafter second promotion was granted to him as Sub-Head (designated as Accounts Assistant) on 28.2.1986 in pay scale of Rs.425-700 (Present Grade Pay Rs.4200/-). Subsequently, he was also granted third promotion after passing of Appendix IIIA Examination in 1982 in pay scale Rs.500-900 as Sr. ISA on 29.10.1987 (present Grade Pay Rs.4800/-). As such since the applicant had already been granted three promotions in his service career, he is not entitled for any further promotion under ACP/MACP Scheme as the MACP Scheme is applicable in those cases where promotion could not be given in supersession of earlier ACP Scheme. Under the MACP Scheme, three financial Up-gradations are allowed on completion of 10, 20, and 30 years of regular service, counted from the direct entry grade. The MACPS envisages merely placement in the immediate next higher grade pay as given in Section I, Part -A of the first schedule of the CCS

(Revised Pay) Rules 2008, in case no promotion has been earned by the employee during this period. As such from the MACP Scheme, it is clear that only three promotions must be accorded to an employee if no promotion has been earned by him/her during the aforesaid periods, which is not the case in hand.

5. Applicant's contention in this case is that his juniors were granted the grade pay of Rs.5400 w.e.f. 1.9.2008 whereas he has not been granted the same. We have very carefully perused the pleadings and found that in para 5.8 of the OA, the applicant has himself stated that he has joined as CG-II and was promoted as CG-I/Jr.AA and direct recruitment was also made to the post of CG-I/Jr. AA and those direct recruits to the post of CG-I/Jr. AA were far juniors to him. As such it is an admitted fact that the applicant was initially appointed on the post of CG-II and was later promoted to CG-I and ***he is claiming parity with direct recruits to the post of CG-I and on that basis he claims that he is entitled to the benefit of 3rd MACP Scheme***, which had been granted to his juniors, whereas the fact is that he has already got three promotions in his service career. It is an admitted fact that applicant has been granted three promotions in his service career. Merely because direct recruits who were initially recruited directly to the post of CG-

I, had been granted the benefit of 3rd MACP scheme w.e.f. 1.9.2008 would not give any cause of action in his favour.

6. In view of the above factual position, we do not find any merit in the prayers made in this OA and as such the present OA is dismissed. There shall be no order as to costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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