

**Central Administrative Tribunal
Principal Bench**

OA No.4008/2015

New Delhi, this the 29th day of March, 2019

**Hon'ble Sh. Justice L. Narasimha Reddy, Chairman
Hon'ble Sh. Pradeep Kumar, Member (A)**

Amarjeet Singh,
S/o Shri Tirath Singh,
Retd. PSS Railway Board
R/o E-94, Lajpat Nagar-I,
New Delhi-24.

...Applicant

(By Advocate : Shri M.S. Saini)

Versus

1. Union of India, through
Secretary, Railway Board,
Ministry of Railways,
Rail Bhavan,
New Delhi-110001.
2. Joint Secretary/G,
Railway Board,
Ministry of Railways,
Rail Bhavan,
New Delhi-110001.

...Respondents

(By Advocate : Shri Kripa Shankar Prasad)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :-

The applicant was appointed as Stenographer in the Railway Board Secretariat Stenographers' Service (for

short, RBSSS) in the year 1975. He was promoted to the post of P.A. in the year 1981 and PS in the year 1995. Thereafter he was extended the benefit of Non Functional Scale (NFS) in the year 2003 and was promoted as Principal Private Secretary (PPS) in the year 2011.

2. In this OA, he claims the relief in the form of a direction to the respondents to grant him the third financial upgradation under the MACP w.e.f. 01.09.2008, with all consequential benefits. Direction for fixation of his pay on the basis of MACP in the Grade Pay of Rs.6600 w.e.f. 01.09.2008, is also sought. The applicant contends that he became entitled for the third MACP on account of there not being any promotion for a period of 10 years, after 1995; and that the same was wrongfully denied to him.

3. Respondents filed counter affidavit opposing the OA. According to them, the applicant was extended the benefit of NFS in the year 2003, and thereby he was not entitled for the third MACP. They submit that the claim of the applicant is without any basis and that the OA is liable to be dismissed.

4. The schemes of the ACP and MACP, introduced by the Govt. of India, were adopted by Railways also, almost on the same lines. Under the ACP scheme, an employee who is not promoted for a period of 12 years, on account of lack of promotional avenues or vacancies in the higher post, is extended the benefit of first ACP. Similarly, if the stagnation continues in the next spell of 12 years, the second ACP is granted. This came to be replaced by the Modified Assured Career Progression Scheme (MACP), in the year 2008. The modification is to the effect that the service of an employee would be divided into three spells of 10 years each, and in case he does not earn any promotion in any spell, he would be entitled to be granted the upgradation.

5. An additional feature under the MACP is that if an employee is extended the benefit of financial upgradation, that would offset against the MACP. In contrast, it was only the regular promotion, that could offset an upgradation under the ACP.

6. In the instant case, the applicant got promotion in two spells of 12 years each. Therefore, he was not entitled

to be extended the benefit of the 2 ACPs, which became 1st and 2nd MACP. The third MACP is referable to the spell of service between 20 and 30 years. It is not in dispute that the applicant was granted the NFS in the Grade Pay of Rs.5400 in the year 2003. Though he got promotion in the year 2011, as Principal Private Secretary, i.e. beyond 30 years of service, it does not make much difference in the context of MACP.

7. The plea of the applicant that the NFS cannot be treated as financial upgradation equivalent to MACP; is difficult to be accepted. The scheme, as adopted by the Railways, does not permit such an interpretation. A perusal of para 19 of the scheme, makes this aspect clear. It reads :-

“19. The MACPs contemplates merely placement on personal basis in the immediate higher Grade Pay/grant of financial benefits only and shall not amount to actual/functional promotion of the employees concerned.....”

8. Once it is evident that the applicant got the NFS in the year 2003, the question of his being extended the third MACP does not arise.

9. We do not find any merit in the OA, and the same is accordingly, dismissed.

There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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