

**Central Administrative Tribunal
Principal Bench**

OA No.1909/2013

New Delhi, this the 1st day of May, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Sri Malkhan Singh Verma
S/o Shri Saudan Singh
Retired Clerk under Senior
Divisional Engineer
North Central Railway
Agra Cantt. Presently resident of
House No.E-1141, Jahangir Puri
Delhi. ..Applicant

(By Advocate: Ms. Meenu Mainee)

Versus

Union of India through

1. General Manager
North Central Railway
Allahabad.
2. Divisional Railway Manager
North Central Railway
Agra Cantt.
3. Divisional Personal Officer
North Central Railway
Agra Cantt. ..Respondents

ORDER (ORAL)

Justice L. Narasimha Reddy:-

The applicant was initially appointed as a Gang
man on 26.07.1978 in the North Central Railway.

Thereafter, he was promoted as Clerk in the year 1995. He attained the age of superannuation on 31.07.2011 and retired from service. The grievance of the applicant is that he was not extended the benefit of MACP on the ground that he did not pass the typing writing test.

2. The applicant contends that according to the circulars issued by the Railways from time to time, whenever an employee did not possess the prescribed qualification for promotion, the relevant test must be conducted atleast for three times, in a span of two years, but such a facility was not extended to him. It is stated that the typing writing test was conducted in the years 2001, 2006 and 2011 and by that time, he lost the aptitude and opportunity.

3. The respondents filed a detailed counter affidavit. It is stated that the possession of the certificate of type writing test was essential for the post of Clerk and to seek further promotions and once the applicant did not hold the basic qualification, the question of extending the benefit of MACP does not arise. It is stated that the

applicant did not clear the test, though opportunities were provided to him.

4. We heard Ms. Meenu Mainee, learned counsel for the applicant and Shri Satpal Singh with Ms. Neetu Mishra, learned counsel for the respondents.

5. It is fairly well known that the benefit of ACP or MACP is extended only to such of the employees who are otherwise eligible to be promoted but could not earn promotion either for want of vacancy or non availability of avenues.

6. In the Instant case, the vacancies were very much available but the applicant could not be promoted on account of the fact that he did not clear the type writing test. Though he was promoted to the feeder category by granting the facility to pass the test, he did not complete the same. Assuming that the vacancy was not available and the applicant stagnated to the post of Clerk, the verification of his eligibility became necessary under the Scheme of MACP itself. Despite that the applicant did not pass the type writing test.

7. We do not find any merit in the OA. It is accordingly dismissed. There shall be no order as to costs.

(Aradhana Johri)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

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