

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 940/2013

New Delhi, this the 15th day of October, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

1. Mahavir (15.11.1984)
Helper-cum-Cleaner in Northern Railway
Aged about 51 years
S/o Shri Ram Dhan
R/o House No.16, Gali No.3
Agwanpur, Ganga Ram Colony
Tuglkabad, New Delhi-44.
2. Govind Singh (1.7.1985)
Helper-cum-Cleaner in Northern Railway
Aged about 53 years
S/o Late Shri Bahadur Prasad
R/o 672, Old Vijay Nagar
Sector-9, Mawai Road
Sabzi Mandi, Ghaziabad, UP.
3. Naresh (1.7.1985)
Helper-cum-Cleaner in Northern Railway
Aged about 54 years
S/o Shri Gayvi Prasad
C/o Govind Singh
R/o 672, Old Vijay Nagar
Sector-9, Mawai Road
Sabzi Mandi, Ghaziabad, UP.
4. Prakash (15.8.1985)
Fitter in Northern Railway
Aged about 57 years
S/o Late Shri Maman
R/o Vill.: Hansi House No.16, Gali No.3
Agwanpur, Ganga Ram Colony
Tuglkabad, New Delhi-44.

5. Ramji Lal (20.3.1986)
Helper-cum-Cleaner in Northern Railway
Aged about 56 years
S/o Shri Gouri Lal
C/o Mahavir
R/o House No.16, Gali No.3
Agwanpur, Ganga Ram Colony
Tuglkabad, New Delhi-44.

.. Applicants

(By Advocate : Shri Anil Singal)

Versus

1. Union of India
Through its Secretary
Ministry of Railways
Rail Bhawan
New Delhi.
2. General Manager (P)
Northern Railway
Baroda House
New Delhi.
3. D.R.M. (Northern Railway)
DRM Office, NDLS
New Delhi.
4. The Department of Personnel & Training
Through its Secretary
Ministry of Personnel, Public
Grievances and Pension
North Block,
New Delhi.

.. Respondents

(By Advocate: Shri S.M. Arif with Ms. Shabnam Perween)

O R D E R (ORAL)**Justice L. Narasimha Reddy, Chairman**

The applicants state that they joined the service of Railways as Safaiwala in the year 1984, 1985 and 1986, as the case may be. They were promoted to the next higher post of Helper-cum-Cleaner and Fitter in the year 1997. As a sequel to the recommendation of the VI Central Pay Commission (CPC), the MACP Scheme was introduced w.e.f. 01.09.2008. This provides for granting of upgradations on completion of 10, 20 and 30 years of service. One of the clauses contained therein provides that in case the promotion or ACP to an employee has resulted in upgradation to a stage, upto and below the Grade Pay of Rs.1,800/-, such promotion or ACP shall be ignored for the purpose of extending the benefit of MACP.

2. The applicants contend that on completion of 20 years of service by 01.09.2008, they became entitled to be extended the benefit of 2nd MACP, ignoring the promotion earned by them. They submitted a representation in this behalf, and complaining that the

same was not taken into account, they filed this O.A. with a prayer to direct the respondents to grant the Grade Pay of Rs.2,000/- w.e.f. 01.09.2008, with all consequential benefits.

3. Respondents filed a counter affidavit opposing the O.A. According to them, the applicants did not complete the 20 years of service as on 01.09.2008 and they were granted 1st MACP, after ignoring their promotion, and 2nd MACP, which they are otherwise not entitled to, was denied.

4. We heard Shri Anil Singal, learned counsel for the applicants and Shri S.M. Arif, learned counsel for the respondents.

5. The grievance of the applicants is about the non-extension of the 2nd MACP. It is fairly well known that the ACP provided for the upgradation of pay scale to an employee, who did not earn any promotion for a period of 12 years, and another ACP of similar nature, if no promotion is earned in the subsequent 12 years. This was replaced by the MACP w.e.f. 01.09.2008. Under this,

the benefit is available at three stages, on completion of 10 years each. The benefits of ACP are required to be taken into account.

6. The 1st ACP of the applicants was offset against the promotion earned by them. By the time they became due for 2nd ACP, the MACP Scheme came into force. In the ordinary course, they were entitled to be extended the benefit of only one ACP on completion of 24 years of service, the reason being that the applicants have already earned one promotion.

7. It is stated that the VI CPC has made a stipulation that in case the benefit of promotion or ACP for an employee did not result in crossing the Grade Pay of Rs.1800/-, such benefit shall be ignored in the context of extending the benefit of MACP. On this premise, the applicants claim the benefit of 1st and 2nd MACP. The 1st MACP was granted, but the 2nd was denied to them.

8. As the things stand now, the full particulars are not brought on record, either by the applicants or by the respondents. In fact, the principal grievance made out in

the O.A. is non-consideration of the representation made by the applicants. Except applicant No.4, rest of the applicants are still in service. The respondents can consider the representation made by the applicants and take necessary steps.

9. We, therefore, dispose of the O.A. directing the respondents to consider the claim of the applicants and if it is found that they are entitled for the 2nd MACP, the respondents shall extend it to them, together with arrears of pay, if any. In case, they are not found entitled for the benefit, they shall explain the reasons and communicate the same to them. The exercise in this behalf shall be completed within a period of two months from the date of receipt of a certified copy of this order. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/jyoti/