

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

**OA No. 2403/2014**

**MA No. 2016/2014**

**This the 19<sup>th</sup> day of September, 2019**

**Hon'ble Mr. S.N. Terdal, Member (J)**  
**Hon'ble Mr. A.K. Bishnoi, Member (A)**

Om Prakash Nara, Aged-59 years  
S/o Sh. Phool Singh Nara  
Working as Senior Clerk in Northern Railway  
Delhi Division, New Delhi  
R/o Vill. & PO Madana Kalan  
Distt. Rohtak (Har). ...Applicant

(By Advocate: Sh. Yogesh Sharma)

**VERSUS**

1. Union of India through the General Manager  
Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager  
Northern Railway, Delhi Division  
State Entry Road, New Delhi.
3. The Sr. Divisional Personnel Officer  
Northern Railway, Delhi Division  
State Entry Road, New Delhi. ... Respondents

(By Advocate : Sh. Shailendra Tiwary)

## **ORDER (Oral)**

**Hon'ble Mr. S.N. Terdal:**

Heard Sh. Yogesh Sharma, learned counsel for the applicant and Sh. Shailendra Tiwary, learned counsel for the respondents.

2. The applicant has prayed for the following reliefs in the OA:

“(i) That the Hon'ble Tribunal may graciously be pleased to pass an order of quashing the impugned order dated 6.5.2014(Annex. A/1) and consequently pass an order directing the respondents to count the half of the casual service from June, 1977 to 14.12.79 and entire service from 15.12.79 till 14.12.1987 i.e. till date the date of regularization for the purpose of granting financial upgradations under ACP/MACP scheme and for granting retirement benefits at the time of retirement of the applicant with all the consequential benefits.

(ii) That the Hon'ble Tribunal may graciously be pleased to pass an order directing the respondents to revise the date of granting second financial upgradation to the applicant in from 15.12.2007 to 15.12.2002 or atleast w.e.f. 15.12.2003 and third financial upgradation w.e.f. 15.12.2008 or at least w.e.f. 15.12.2009 in Grade Pay of Rs. 4200/- with all the consequential benefits including the re-fixation of apy, arrears of difference of pay and allowance with interest.

(iii) That the Hon'ble Tribunal may graciously be pleased to pass an order of quashing the impugned order dated 22.7.2013(A/2) only in respect of the applicant and only to the extent by which the applicant has been granted 3<sup>rd</sup> financial upgradation under MACP scheme w.e.f. 15.12.2013 instead w.e.f. 15.12.2008 or at least w.e.f. 15.12.2009 and consequently, pass an order directing the respondents to revise the date of granting third financial upgradation w.e.f. 15.12.2008 or at least w.e.f. 15.12.2009 in Grade Pay of Rs. 4200/- with all the consequential benefits.

(iv) Any other relief which the Hon'ble Tribunal deem fit and proper may also be granted to the applicants along with the costs of litigation.”

3. As per the order dated 23.02.2016 passed by the Tribunal, the learned counsel for the respondents produced the original service record of the applicant. From the perusal of the original service record, it is clear that the applicant was appointed as Substitute Khalasi w.e.f. 15.12.1979 and in view of the Railway Board circular R.B.E. No. 181/04 and R.B.E. No. 36/2010, the entire service rendered by the applicant as substitute Khalasi be counted for the purpose of ACP and MACP. The counsel for the applicant, in support of the case of the applicant relied on the order passed by this Tribunal on 13.09.2019 in OA No. 222/2014 titled Babu Lal vs. UOI through the GM(NR) & Ors.

4. Learned counsel for the respondents vehemently and strenuously submitted that the impugned order dated 06.05.2014 (Annexure A/1) is legal and justified in view of the fact that the applicant never raised any objection when his first ACP was granted taking into account only 50% of the service rendered by him as Substitute Khalasi.

5. In the facts and circumstances of the case and in view of the order dated 13.09.2019 passed by this Tribunal in OA No. 222/2014, this OA is allowed. The impugned order dated 06.05.2014 is set aside. The respondents are directed to count entire period of the service rendered by the applicant as substitute Khalasi towards ACP/MACP and pay all the consequential benefits within a period of two months from the date of receipt of a certified copy of this order. Pending MA, if any, also stands disposed of. No costs.

**(A.K. Bishnoi)**  
**Member (A)**

**(S.N.Terdal)**  
**Member (J)**

/ns/