



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

OA No. 350/00020/2014

Dated of order: 30.03.2016

PRESENT:

THE HON'BLE MR. JUSTICE V.C.GUPTA, JUDICIAL MEMBER
THE HON'BLE MS. JAYA DAS GUPTA, ADMINISTRATIVE MEMBER

.....
HIRANMOY PANDA

V/s
S.E.RLY

For the Applicant :Mr.P.K.Nag, Counsel
For the Respondents :Mr.M.K.Bandyopadhyay, Counsel

ORDER

JUSTICE V.C.GUPTA, JM:

Heard the learned counsel for both sides and perused the records.

2. The gist and kernel of the case is that the applicant was posted as a constable in RPF. He was medically de categorized due to physical disability and was appointed as a Peon in the pay scale of Rs. 750-940/- on 8th March, 1990. Earlier to it, he was working on the pay of Rs.940 w.e.f. 1.10.1989. Thereafter on 01.12.2012, he was promoted to the post of Jr. Clerk. He joined the promoted post and his pay upon allowing one increment was fixed at Rs. 970/- w.e.f. 30.11.1992 i.e. the date of his promotion.

3. It is the contention of the learned counsel for the applicant that the applicant had got two promotion and promotion

which has been granted to him from the post of Peon to Jr. Clerk should be ignored. His contention is that upon medical de categorization, as per rules, he cannot be placed in a lower post/grade. Service record which has been produced today copies of which have been placed on record, reveals that the applicant was getting the pay of Rs. 940/- at the time of his medical de categorization and at the time of his posting as Peon his pay was also protected and he was allowed to draw his pay at Rs. 940/- which establishes that his pay was fully protected. He accepted the appointment as Peon and also accepted the promotion in the year 1992.

The learned counsel for the Respondents would submit that in view of the aforesaid facts it cannot be said that the promotion which the applicant got from the post of Peon to Jr. Clerk is no promotion and as such can be ignored for the purpose of granting the benefit of financial up gradation under MACP. The Railway Board's order relied on by the learned counsel for the applicant virtually supports the contention of the Respondents and not at the applicant.

4. The service record placed on record shows that the applicant was promoted to Jr. Clerk w.e.f. 30.11.1992 and pay on the promoted post was also fixed leaves no room of doubt that he got the promotion from the post of Peon to Jr. Clerk and this

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promotion cannot be ignored for considering the grant of the benefit of MACP.

5. In view of the above, we do not find any merit in this OA which is accordingly dismissed. No costs.

(Jaya Das Gupta)
Admn. Member

(Justice V.C. Gupta)
Judicial Member

kmh