



CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No.O.A.350/01031/2015

Date of order : 19.01.2016

Present : Hon'ble Mrs. Bidisha Banerjee, Judicial Member  
Hon'ble Ms. Jaya Das Gupta, Administrative Member

JAGANNATH MAHATO & ORS.

VS.

UNION OF INDIA & ORS.

For the applicants : Mr. A.B. Ghosh, counsel  
For the respondents : Mr. B.L. Gangopadhyay, counsel

ORDER

Per Mrs. Bidisha Banerjee, J.M.

Heard Id. counsel for the parties.

2. The applicants, nine in numbers are aggrieved as their prayers for refusal of promotion to the post of Track Maintainer Gr.III in the scale of Rs.5,200-20,200 have not been accepted.

3. Ld. counsel for the applicants submitted that the applicants refused to accept the promotion to the post of Track Maintainer Gr.III as they applied for getting the benefit of LARGEES Scheme under the Railways and they were eligible to be considered under the said Scheme, whereas their promotion to Track Maintainer Gr.III would disentitle them from consideration under the scheme.

4. Ld. counsel for the respondents submitted that the applicants could not be permitted to forgo their promotion as they were granted MACP benefits and in case they do not accept the promotion, they have to forgo the MACP benefits.

5. Ld. counsel for the applicants while joining issue invited our attention to the MACP Scheme as adopted by the Railways under RBE 101/2009, Para 25 whereof would read as under:-

"25. If a regular promotion has been offered but was refused by the employee before becoming entitled to a financial upgradation, no financial upgradation shall be allowed as such an employee has not been stagnated due to lack of opportunities. If, however, financial upgradation has been allowed due to stagnation and the employee subsequently refuses the promotion, it shall not be a ground to withdraw the financial upgradation till he agrees to be considered for promotion again and the second or the next financial upgradation shall also be deferred to the extent of period of debarment due to the refusal."

6. In view of the above, the contention of the Id. counsel for the respondents that the applicants would lose the benefit of MACP which they earned earlier, if they forgo the promotion, would get nullified.

7. However, we find that the representations filed by the applicants expressing their unwillingness for promotion, are still pending with the authorities and nothing will debar them from appropriate consideration.

8. Accordingly, in the interest of justice, we direct the respondent No.7 or any other competent authority to look into the prayer of the applicants and pass a reasoned and speaking order on their representations as per law within a period of two months from the date of communication of this order.

9. Till such time the applicants would not be required to join the promotional posts.

10. The O.A. is accordingly disposed of. No cost.

(J. Das Gupta)  
Administrative Member

(B. Banerjee)  
Judicial Member

s.b