

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

**OA No. 2873/2015
MA No. 412/2016**

this the 31st day of October, 2019

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

1. P.K. Chatarji, Aged 51 Years
S/o Sh. V.P. Chatargi
Working as Technician-I
In the office of Sr. Divisional Elect. Engineer
Northern Railway, Ghaziabad.
R/o H. No. 323-A, IIIrd Floor
New Panchwati, Ghaziabad.
2. Raj Kumar, Aged 52 Years
S/o Late Sh. Sardar Singh
Working as Technician-I
In the office of Sr. Divisional Elect. Engineer
Northern Railway, Ghaziabad.
R/o 936, Krishna Nagar Bagu
Vijay Nagar, Bye Pass, Ghaziabad.
3. Om Prakash, Aged 58 1/2 Years
S/o Late Sh. Gulab Chandra Srivastava
Working as Technician-I
In the office of Sr. Divisional Elect. Engineer
Northern Railway, Ghaziabad.
R/o 351/L, Sen Colony, Ghaziabad.
4. Radhey Shyam, Aged 58 years
S/o Sh. A.S. Sharma
Working as Technician-I
In the office of Sr. Divisional Elect. Engineer
Northern Railway, Ghaziabad.
R/o 938, Krishna Nagar Bagu
Vijay Nagar By Pass, Ghaziabad.
5. A.H. Ansari, Aged 53 Years
S/o Late Sh. Jan Md. Ansari
Working as Technician-I
In the office of Sr. Divisional Elect. Engineer
Northern Railway, Ghaziabad.
R/o C-161, Sector-11, Vijay Nagar, Ghaziabad.
6. Ved Prakash, Aged 57 Years
S/o Late Sh. Tirath Ram
Working as Technician-I
In the office of Sr. Divisional Elect. Engineer
Northern Railway, Ghaziabad.
R/o D-1-8, Lajpat Nagar, Sahibabad, Ghaziabad.

7. Hari Om Sharma, Aged 58 1/2 Years
S/o Late Om Prakash Sharma
Working as Technician-I
In the office of Sr. Divisional Elect. Engineer
Northern Railway, Ghaziabad.
C/o Loco Shed, Northern Railway, Ghaziabad.
8. Neeraj Bhatnagar, Aged 53 years
S/o Sh. A.S. Bhatnagar
Working as Technician-I
In the office of Sr. Divisional Elect. Engineer
Northern Railway, Ghaziabad.
R/o H.No. 92, Gali No. 5A, Old Aryaa Nagar, Ghaziabad.
9. Ram Sahare, Aged 55 Years
S/o Sri Ram Krishan
Working as Technician-I
In the office of Sr. Divisional Elect. Engineer
Northern Railway, Ghaziabad.
R/o E-559, Sector-11, Pratap Vihar, Ghaziabad.
10. Ram Hit Prajapati Aged 58 Years
S/o Sh. Puddan Ram
Working as Technician-I
In the office of Sr. Divisional Elect. Engineer
Northern Railway, Ghaziabad.
R/o H. No. 123, Shankar Puri, Sector-9
New Vijay Nagar, Ghaziabad.
11. Ram Naresh Yadav, Aged 58 Years
S/o Sh. Sunder Yadav
Working as Technician-I
In the office of Sr. Divisional Elect. Engineer
Northern Railway, Ghaziabad.
R/o H.No. 444/A, Sector-9, New Vijay Nagar, Ghaziabad.
12. Ashok Kumar, Aged 57 Years
S/o Late Sh. Ram Avatar
Working as Technician-I
In the office of Sr. Divisional Elect. Engineer
Northern Railway, Ghaziabad.
R/o H. 74, Sector – 9, Vijay Nagar, Ghaziabad.
13. Ramesh Chandra, Aged 57 1/2 Years
S/o Late Sh. Lala Ram
Working as Technician-I
In the office of Sr. Divisional Elect. Engineer
Northern Railway, Ghaziabad.
R/o H. No. 46/I, Shiv Puri, Sector – 9
Gali No. 13, Vijay Nagar, Ghaziabad.

14. Shyam Pal Singh, Aged 53 Years
 S/o Sh. Raj Pal Singh
 Working as Technician-I
 In the office of Sr. Divisional Elect. Engineer
 Northern Railway, Ghaziabad.
 R/o Vill & Post Bhankari Khas, Aligarh (UP).

15. Dhan Pal Singh, Aged 56 Years
 S/o Late Sh. Bachchi Singh
 Working as Technician-I
 In the office of Sr. Divisional Elect. Engineer
 Northern Railway, Ghaziabad.
 R/o H-123, Sector-9, New Vijay Nagar, Ghaziabad.

...Applicants

(By Advocate : Mr. 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 Divisionl
 State Entry Road, New Delhi.
3. The Senior Divisional Electrical Engineer
 Northern Railway, Elect. Loco shed, Ghaziabad (UP).

... Respondents

(By Advocate: Mr. A.K. Srivastava)

ORDER (ORAL)

Mr. S.N. Terdal :

Heard Mr. Yogesh Sharma, learned counsel for applicants and Mr. A.K. Srivastava, learned counsel for respondents.

2. This OA has been filed by the applicants seeking the following reliefs :

“(i) That the Hon’ble Tribunal may graciously be pleased to pass an order of quashing the impugned order dated 16.12.2014 (Annex. A/1) and order dated 7.2.2015 (Annex. A/2) declaring to the effect that the same are illegal and arbitrary and consequently pass an order directing the respondents not to treat granting of revised pay scale of Rs. 3050-4590/- as promotion for the purpose of grating the financial upgradation under MACP scheme and consequently pass an order directing the respondents to consider the cases of

the applicants for granting 3rd financial upgradation Grade pay of Rs. 4200/- from due date under MACP scheme with all consequential benefits including the arrears of pay and allowances from due date.

- (ii) 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. From the perusal of impugned orders dated 16.12.2014 and 07.02.2015, it is clear that the respondents have not considered the recommendations of the 5th CPC regarding applicants who have got Matriculation with ITI pass as desired qualification. In view of the same, the impugned orders are quashed and OA is disposed of with the liberty to the applicants to submit a comprehensive representation to the respondents within 15 days from the date of receipt of certified copy of this order and within two months thereafter, the respondents are directed to dispose of the representation of the applicants by passing a reasoned and speaking order taking into consideration all the relevant recommendations of 5th CPC regarding the applicants with all the consequential benefits.

4. In view of above, all the pending MAs are disposed of .

5. There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

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(S.N. Terdal)
Member (J)