



**Central Administrative Tribunal
Principal Bench**

O.A. No. 3584/2017

This the 11th day of December, 2019

**Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)
Hon'ble Mr. Pradeep Kumar, Member (A)**

Sh. Raghbir Sharma,
Aged about 63 years, Group 'C',
S/o Late Sh. Liladhar Sharma
Retired from the post of Office Khallasi
From DRM Office Admn-3 (Asstt. Eng.-III)
New Delhi Railway Station
R/o H.No C-52, Jagatpuri
Near Nathu Chowk, Mandoli Road,
Shahdara Delhi.

... Applicant

(By Advocate: Sh. A.K. Bhakt)

VERSUS

Union of India & Others, Through

1. General Manager,
Northern Railway,
Baroda House New Delhi.
2. Divisional Railway Manager
Northern Railway, Estate Entry Road,
New Delhi Railway Station,
New Delhi.
3. Sr. Divisional Personal Officer,
DRM's Office,
Northern Railway,
New Delhi.

... Respondents

(By Advocate: Sh. S.M. Arif)

ORDER (Oral)



Hon'ble Mr. Pradeep Kumar, Member (A):

The applicant, herein, was engaged a Casual Labour on 15.07.1972. Thereafter, he was screened and regularised as Khallasi w.e.f. 01.01.1981 and was granted pay scale of 196-232. On implementation of 4th CPC w.e.f. 01.01.1986, this pay scale was replaced with 750-940.

2. Thereafter, he was granted the first ACP benefit and given pay scale of 800-1150 w.e.f. 01.03.1993. This pay scale got replaced with the pay scale of Rs. 2650-4000 w.e.f. 01.01.1996 on implementation of 5th CPC. Thereafter, the second ACP benefit was given in the pay scale of Rs. 2750-4400 w.e.f. 26.05.2005.

3. The applicant is aggrieved that as a part of the first ACP and the second ACP benefit, he ought to have been given the pay scales applicable to the post of Material Checking Clerk (MCC).

4. Respondents have opposed the OA. It is pleaded that the post of MCC was to be filled on the basis of the Limited Departmental Competitive Examination (in short, LDCE), wherein the applicant did not appear. Therefore, he was granted ACP in his normal channel.



Further, the applicant did not make any representation for his grievance for a period of 29 years.

5. Matter has been heard. Sh. A.K. Bhakt, learned counsel appeared on behalf of the applicant. Sh. S.M. Arif, learned counsel appeared on behalf of the respondents.

6. The ACP benefits were to be granted in the next departmental hierarchy. The hierarchy for the post of the Khallasi, where the applicant was posted, does not lie to MCC. The post of MCC is filled through LDCE and therefore, does not lie in normal hierarchy. The grievance raised is without any basis.

7. Accordingly, the pleadings made by the applicant are without any merit. Hence, OA stands dismissed being devoid of merit.

8. No order as to costs.

(Pradeep Kumar)
Member (A)

/akshaya/

(Justice Vijay Lakshmi)
Member (J)