

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.4637 of 2017

[Union of India, through its Secretary, Ministry of Railways, Government of India, New Delhi, and others v. N. Sudhakar Rao, Nagpur, and others]

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri V.M. Gadkari, Advocate for Petitioners.

Shri S.S. Sanyal, Advocate for Respondent Nos.1 to 20.

Coram : R.K. Deshpande & Arun D. Upadhye, JJ.

Dated : 4th July, 2018

The Central Administrative Tribunal has held that the respondents are entitled for grant of non-functional upgradation in the pay scale of Rs.9,300-34,800/- with grade pay of Rs.4,800/-. It has directed restoration of the said benefit to the respondents.

We have heard the learned counsels appearing for the parties. In para 19 of its order, the Tribunal has held that the MACP benefit has been granted to the respondents during the appointment as Section Controller on change of cadre and it cannot be said to be by way of promotion. There is nothing to show that any increment is granted. The decision is based upon the earlier view taken by the Central Administrative Tribunal and the decision of the Madras High Court. The consistency in the

view taken, does not call for any interference.

The petition is dismissed.

(Arun D. Upadhye, J.)

(R.K. Deshpande, J.)

Lanjewar