

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16940 of 2019

Sanjay Kumar, S/o Late Shri Shambhu Prasad Sinha, Resident of Flat No.406
Ramdutt Ashram Apartment, Sadhnapuri, P.S. Gardanibagh, District. Patna

... .. Petitioner/s

Versus

1. The Union of India through the General Manager, E.C. Railway, Hajipur
2. The General Manager (Personnel), East Central Railway, Hajipur.
3. The Divisional Railway Manager, Danapur Division, Danapur
4. The Senior Divisional Personnel Officer, Danapur Division, Danapur
5. The Senior Divisional Finance Manager, Danapur Division, Danapur
6. The Senior Divisional Operating Manager, Danapur Division, Danapur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanchay Srivastava, Adv.

For the Respondent/s : Mr. Ramadhar Shekhar (Addl Standing Counsel)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 13-10-2020

Heard the parties.

Petitioner has prayed for the following relief(s):-

“(i) That the present writ application is being filed for issuance of an appropriate writ(s)/Order(s)/direction(s) in the nature of Certiorari to quash and set-aside the final judgement and order dated 19.02.2019



(hereinafter referred to as “Impugned Judgment/Order” for the sake of brevity), passed by the Central Administrative Tribunal in O.A. No. 253 of 2015, on the ground that the said impugned judgment & order has been passed in a mechanical manner without considering the facts of the case and documents available on record as the petitioner who has been given several promotions has not been provided any incremental benefits against the said promotions which is in violation of relevant service rules and notification issued by the Ministry of Finance, Department of Personnel & Training (DOPT), Government of India and also notifications issued by the Railway Board.

(ii) That the present writ application is being filed for issuance of an appropriate writ order/directions(s) in the nature of Mandamus for a direction to the concerned respondents to grant an incremental benefit/promotional benefit which is consequential with promotion as per the relevant service rules after each of the promotions i.e. from Goods Guard to Sr. Goods, Sr. Goods to Passenger Guard and Passenger Guard to Sr. Passenger, that the petitioner has been given and further for a direction to fix his pay accordingly.

(iii) That the present writ application is being filed for issuance of an appropriate writ order/directions(s) in the nature of Mandamus for a direction to the concerned respondents to grant arrears from the date of said promotions after pay fixation is done by giving incremental benefit as per the relevant service rules subsequent to each of the promotions that the petitioner has attained.

(iv) And for issuance of any other relief or relief(s) for which the petitioner is entitled for.”

Briefly stated the facts of the case is that petitioner



was appointed as a Goods Guard on 10.11.1986 in pay scale of Rs. 4,500-7,000/- in Indian Railways and was granted 1st ACP on completion of 12 years on 28.09.2000 in pay scale of Rs. 5,000-8,000/-. Petitioner was promoted as Sr. Goods Guard on 23.06.2004 in the same pay scale of Rs. 5,000-8,000/-. Petitioner was promoted as Passenger Guard on 18.07.2005 in the same pay scale (Rs. 5000-8000) and to the post of Sr. Passenger Guard on 08.06.2009 in revised pay scale (6th CPC) Rs. 9300-34800/- Grade Pay Rs. 4200/- on merger of post of Passenger Guard and Sr. Passenger Guard as Sr. Passenger Guard and thereafter on 26.07.2011 petitioner was promoted to the post of Mail Guard.

It is submitted on behalf of petitioner that petitioner was promoted from Goods Guard to Sr. Goods Guard and from Sr. Goods Guard to Passenger Guard and From Passenger Guard to Sr. Passenger Guard but no financial benefit or any increment subsequent to promotion was given to petitioner.

Counter affidavit has been filed on behalf of Railways in which it has been stated that petitioner was provided financial upgradation under ACP scheme from Goods Guard (Rs.4500-7000) to Sr. Goods Guard (Rs.5000-8000). Petitioner was financially upgraded from the pay scale of Rs.



4,500-7,000/- to Rs. 5,000-8,000/- under ACP w.e.f 01.01.1999 subsequently he was promoted as Sr. Goods Guard in the same pay scale of Rs. 5,000-8,000/- w.e.f . 01.07.2004. According to Railway Board Circular bearing RBE No. 101/2009 benefit of pay fixation if allowed during financial upgradation then no further pay fixation on promotion is admissible in same pay scale. Petitioner was subsequently promoted to the post of Passenger Guard in the same pay scale i.e. Rs. 5,000/- to 8,000/- w.e.f. 10.07.2005 as such no financial promotional increment benefit was provided.

As per recommendation of 6th CPC the post of Passenger Guard and Sr. Passenger Guard were merged with revised designation as Sr. Passenger Guard with pay band of Rs. 9300-34800/- grade pay of Rs. 4,200/-. Petitioner was promoted and re-designated as Sr. Passenger Guard on 08.06.2009 in the same pay band as such no financial benefit in form of pay fixation was awarded. On promotion from Sr. Passenger Guard to Mail Guard and additional allowance of Rs. 500/- and benefit of promotional increment in terms of RBE No. 95/2013 dated 12.09.2013 was provided to the petitioner.

After hearing the parties and considering the



materials available on record, this court does not find any error or infirmity in the order dated 19.02.2019 passed by Central Administrative Tribunal, Patna Bench Patna in O.A. No. 253 of 2015 requiring any interference in its writ jurisdiction.

Accordingly the writ petition is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

