

Form No. J.(2)
Item Nos. 60-63
Court No. 1
PG

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

HEARD ON: 17.12.2025

DELIVERED ON: 17.12.2025

CORAM:

**THE HON'BLE ACTING CHIEF JUSTICE SUJOY PAUL
AND**

THE HON'BLE JUSTICE PARTHA SARATHI SEN

WP.CT. 138 of 2017

With

I.A. No. CAN 1 of 2021

With

I.A. No. CAN 2 of 2024

The Union of India & Ors.

Versus

Pradip Mahapatra.

With

WP.CT. 139 of 2017

With

I.A. No. CAN 1 of 2021

With

I.A. No. CAN 2 of 2024

The Union of India & Ors.

Versus

Birendranath Singh.

With

WP.CT. 140 of 2017

With

I.A. No. CAN 1 of 2021

With

I.A. No. CAN 2 of 2024

The Union of India & Ors.

Versus

Parichay Kundu

With

WP.CT. 141 of 2017

With

I.A. No. CAN 1 of 2021

With

I.A. No. CAN 2 of 2024

The Union of India & Ors.

Versus

Pradip Basu

Appearance:-**Mr. Rudrajyoti Bhattacharjee****Ms. Debjani Ghosal****Ms. Sanchayita Das****.....for the Petitioners****Mr. Souvik Ganguly****.....for the respondents****JUDGEMENT (ORAL):****SUJOY PAUL, ACJ:-**

1. Parties are represented by their respective learned counsels.
2. In this batch of petitions, the Government has called in question the legality, validity and propriety of common order of tribunal dated 22.06.2016, whereby O.A No. 350/01517/2014, O.A. No. 350/01523/2014, O.A. No. 350/01524/2014 and 350/01525/2014 were decided.
3. The tribunal opined that the applicants before them got the post of Master Craftsman as a 'placement' before 01.01.2006. The said 'placement' was not in the stream of 'promotion' and hence cannot be treated as promotion/upgradation. Thus, tribunal directed that each of the applicants before it will get one extra increment in Pay Band of PB-II of GP Rs. 4200/-. Assailing this direction, the present petitions are filed.

CONTENTION OF PETITIONERS:

4. Learned counsel for the department submits that no doubt, the present respondents were given the post of Master Craftsman on placement before 01.01.2006 but the fact remains is that from 01.01.2006 6th Pay Commission's recommendations came into being and implemented. Thus, the pay-scale of Rs. 4500-7000/- attached to the post of Master Craftsman

before 01.01.2006 stood revised and basic pay became Rs. 9300/- with GP Rs.4200/-.

5. By taking this Court to different paragraphs of impugned order, learned counsel for the department submits that the tribunal erred in not realising that the applicants before it got the benefit of 6th Pay Commission w.e.f. 01.01.2006 and the post of Master Craftsman became a promotional post. Thus, they were not entitled to get one extra increment in the Pay Band of PB-II in Grade Pay of Rs. 4200/-.

CONTENTION OF THE RESPONDENTS/ORIGINAL APPLICANTS

6. Learned counsel for the applicants placed reliance on the facts of one of the matters (OA No. 350/1517/2014) to bolster the submission that the said writ petitioner was appointed as Semi-Skilled Millwright on 22.01.1992. Thereafter, he was placed in the Skilled Grade on 31.01.1994 and to Highly Skilled Grade/ Millwright on 09.02.1999. This career progression as High Skilled Grade/ Millwright is the only promotion, which he got in his career before becoming Master Craftsman on 17.06.2025 on 'placement'. The post of Master Craftsman carried pay scale of Rs. 4500-7000/-.
7. The petitioners preferred representations on 07.07.2014 praying that their cases be treated for grant of upgradation under MACP after completion of 10 years of service from the date they got the benefit of promotion as Highly Skilled Grade/ Millwright or on the equivalent post. The said representations were rejected on 20.08.2014 and this rejection became subject matter of challenge before the tribunal. The tribunal, after completion of pleadings and hearing the parties came to hold that the applicants therein occupied the post of Master Craftsman on 'placement'

and not on 'promotion' and therefore, they are entitled to get the aforesaid benefit.

8. Learned counsel for applicants also placed reliance on certain paragraphs of the impugned order of the tribunal to show that the tribunal considered the rival contentions in great detail and assigned adequate reasons for the conclusions. Thus, there is no procedural infirmity or perversity in the order. Heavy reliance is placed on the communication dated 20.05.2003 issued by Ministry of Defence, Government of India, wherein it was clarified that post of Master Craftsman is outside the hierarchy of the promotional avenues and therefore, it shall not be treated as promotion. Indeed, it will be a placement, which will not deprive the employees for normal promotions or benefit of ACP Scheme. Thus, it is argued that department has committed an error in not extending the benefit of 2nd MACP.

REJOINDER SUBMISSION

9. Learned counsel for department reiterated his arguments, which were advanced yesterday as well.
10. No other point is pressed by learned counsel for the parties. We have heard the parties at length and perused the record.

ANALYSIS:

11. Before the tribunal, the applicants therein prayed for following relief:

a) An order/direction may be issued to cancel, withdraw and/or rescind the impugned order No. 1896/1-C/6 CPC/LB/MACP dated 20.08.2014 and as contained at Annexure-A/7.

b) An order/direction may be issued directing that the impugned order dated 06 02 2014 issued by the Under Secretary, MOD, stating that placement of Highly Skilled Workers as Master Craftsman (MCM) prior to 01.01.2006 would be offset against

one up-gradation for the purpose of grant of MACP benefits, is arbitrary and illegal being violative of Article 14 and 16 of the Constitution.

c) An order/direction may be issued to the respondents to forthwith grant 2nd MACP benefits/upgradation to the applicant with effect from 09.02 2009 i.e. after completion of continuous service of 10 years from the date of promotion to Highly Skilled Grade and pay all the consequential arrears of pay and allowances based on such up-gradation

d) An order directing the official respondents to produce all the relevant records pertaining to the case before the Hon'ble Tribunal for proper adjudication of the matter."

12. The relevant portion of the rejection order dated 20.08.2014 impugned before the tribunal shows that a singular stand of the department was there as under:

*"As per provision of MACP Scheme introduced w.e.f. 01/09/2008, financial up-gradation is admissible in the hierarchy of Grade Pay and placement of **Highly Skilled workers (GP of Rs.2400/-) as Master craftsman (GP of Rs.4200) is very much considered as ladder in hierarchy of Grade Pays.** Ignoring the placement of Highly Skilled as Master Craftsman (Non-functional) will be deviating the provisions of MACPS. Hence placement of Highly Skilled workers as Master Craftsman (MCM) prior to 01.01.2006 would be offset against one up-gradation for the purpose of grant of MACP benefits."*

From above Table-B you can see that you got 03 (three) clear financial benefits/up gradation.

Hence, you are not entitled to any more financial up gradation under MACPS as requested by you in your letter under reference. This is in terms of the MOD ID No. 11(6)/2009-D (Civ-I) dated 6 February, 2014. The copy of this is enclosed herewith for your perusal and appreciation.

(Emphasis Supplied)

13. During the course of hearing, learned counsel for department did not dispute that all the applicants before the tribunal became Master

Craftsman before 01.01.2006. Thus, there is no cavil of doubt that all the applicants became Master Craftsman on 'placement' and not on 'promotion'. When the said 'placement' is not falling within the ambit of 'promotion', merely because the pre-revised pay-scale of Rs. 4500-7000/- was revised pursuant to implementation of recommendations of 6th Pay Commission w.e.f. 01.01.2006, it cannot be said that they were either promoted or upgraded in a new scale. The name of the post, the nature of duties, job nomenclature remained the same before and after 01.01.2006.

14. This is trite that the very purpose of grant of assured career progression is to provide a financial benefit to the stagnated employees, who, for the stipulated period did not get the benefit of promotion or financial upgradation.
15. In our judgment, revision of pay-scale pursuant to implementation of recommendation of Pay Commission does not fall within the ambit of either 'upgradation' or 'promotion'. MACP is also one of such schemes introduced by the Government to provide financial upgradation/benefits to the stagnated employees, who did not get any promotion during stipulated years of service. In the instant case, admittedly, the last promotion received by the employees were on the post of Highly Skilled post. Thereafter, their placement as Master Craftsman does not deprive them from the fruits of assured career progression. This is evident from the Circular of the department dated 20.05.2003 (Annexure- P1). Clause 3(b) of this circular reads thus:

"(b) The post of Master Craftsman shall not be part of the hierarchy and the placement in this grade will not

be treated as promotion for Highly Skilled Grade either under normal promotion rules or under ACP Scheme.”

(Emphasis Supplied)

16. A plain reading of this provision leaves no room for any doubt that this directly deals with the post of Master Craftsman, which were being occupied by the applicants and it was made clear that they are occupying the post as Master Craftsman only on 'placement'. This will not be treated as promotion under the normal promotion rules or under ACP Scheme.
17. The learned counsel for department during the course of hearing could not point out that this circular dated 20.05.2003 was annulled or modified at any point of time. The singular argument to wriggle out of this circular was that circular was issued prior to 01.01.2006, the date of implementation of 6th Pay Commission benefits and therefore, once applicants therein got benefit of revision of pay-scale pursuant to said recommendation, this circular has lost its force.
18. We do not see any merit in this contention. Even if 6th Pay Commission came into force w.e.f. 01.01.2006, the character of post of Master Craftsman from the date it was occupied by the applicants was not changed. In other words, when applicants before the tribunal occupied the post of Master Craftsman before 01.01.2006, the said post was treated as 'placement' and not 'promotion'. Thus, 6th Pay Commission will not cause any dent to the circular dated 20.05.2003 and the benefits arising thereto.
19. Since very purpose of issuance of MACP scheme was to provide financial benefit to stagnating employees and applicants therein satisfied the said criteria, the tribunal rightly granted them the desired benefit of one extra increment in the Pay Band of PB-II GP Rs.4200/-.

20. The tribunal considered the factual basis of each of the OAs. Considered the governing circulars/provisions and assigned justifiable reasons while interpreting the same. No perversity or illegality could be pointed out in the order of the tribunal.
21. The scope of interference under Article 226/227 of the Constitution is limited. This Court cannot sit in appeal to re-appreciate the entire matter. If a manifest procedural impropriety, palpable perversity or patent illegality can be established, interference can be made. Another view is possible is not a ground for interference. This is trite that writ Court cannot act as a bull in the China shop for taking a different view. In absence of satisfying any ingredient on which interference can be made, interference is declined. The writ petitions are **dismissed**.
22. Consequently, all pending applications are disposed of.

(SUJOY PAUL, ACJ.)

I agree.

(PARTHA SARATHI SEN, J.)