



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.17872 of 2024

Union of India and others* *Petitioners

*Mr.Karunakar Nayak,
Senior Panel Counsel*

-versus-

***East Coast Railway
Engineers Association
through its General
Secretary-Er. Bishnu
Prasad Dash and others* *Opp. Parties***

Mr.N.R. Routray, Advocate

**CORAM:
HON'BLE MR.JUSTICE S.K. SAHOO
HON'BLE MR. JUSTICE SANJAY KUMAR MISHRA**

**ORDER
27.03.2025**

Order No.

04. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

The petitioners have filed this writ petition challenging the order dated 15.11.2023 passed by the Central Administrative Tribunal, Cuttack Bench, Cuttack (hereinafter 'Tribunal' in short) in O.A. No. 260/485 of 2021.

It appears that the East Coast Railway Engineers Association along with the Executive Body Members approached the learned Tribunal in the aforesaid O.A. No.260/00485 of 2021 challenging the speaking order dated 18.08.2021 in denying the claim of the applicants to count the in-service training period as qualifying service for grant of financial up-gradation under MACP Scheme with effect from



their respective dates of training before being appointed after successful completion of training in the post against which they were selected through Railway Recruitment Board with further prayer for a direction to the respondents in the Original Application (who are the petitioners in this writ petition) to compute the in-service/post-appointment training period as qualifying service for grant of financial upgradation under MACP Scheme for Junior Engineers and Senior Section Engineers of East Coast Railway and to direct the respondents to antedate the financial upgradations granted to the applicants under MACP Scheme in view of computation of in-service/post-appointment training period as qualifying service and to pay differential arrear salary.

The petitioners, who were respondents in the said Original Application, filed counter affidavit taking the stand that the applicants are not entitled to get such benefit. However, the learned Tribunal relying on the judgments passed in O.A. No. 192/2010 (Chittaranjan Mohanty Vrs. Union of India and others) disposed of on 22.03.2012 upheld by this Court vide order dated 06.02.2013 passed in W.P.(C) No.12425 of 2012 and by the Hon'ble Apex Court in S.L.P (Civil) No. 11040 of 2013 vide order dated 02.08.2013 and subsequent O.A. No.924 of 2013 (Parsuram Nayak Vrs. Union of India and others) disposed of on 07.04.2016 upheld by this Court in W.P.(C) No. 19250 of 2016 vide order dated 08.03.2017 and by the Hon'ble Apex Court in SLP/Diary No. 23168 of 2017 vide order dated 15.09.2017, batch of writ petitions in W.P.(C) No. 16565 of 2016 (Union of India Vrs. Bhagaban Mishra) disposed of on 01.05.2017 and confirmed by the Hon'ble Supreme Court in S.L.P No. 28896 of 2019 vide order dated 22.10.2019 and the order dated 06.12.2022 passed by this Court in W.P.(C) No. 27118 of 2021 have held



that since the issues have been settled, the applicants are entitled to count their qualifying service for the purpose of financial upgradation under MACP w.e.f. their respective dates of joining in the training after being qualified through RRB and joining in the post on their successful completion of training. Accordingly, the rejection order dated 18.08.2021 was quashed and the respondents were directed to revisit the grant of financial upgradation under MACP by counting the qualifying period of 10, 20 and 30 years from their initial date of joining and accordingly, fix their pay as per rules and pay them the differential amount within a period of 180 days from the date of receipt of a copy of the order.

Mr.Karunakar Nayak, learned Senior Panel Counsel appearing for the Union of India submits that the issues involved in the earlier Original Applications, which were confirmed by this Court so also by the Hon'ble Supreme Court are different than the present one and therefore, the learned Tribunal was not justified in relying on the findings given by the learned Tribunal in the aforesaid Original Applications and by this Court in different writ petitions so also the observation made by the Hon'ble Supreme Court in the aforesaid Special Leave Petitions.

On going through the nature of prayer sought for in this writ petition and on perusing the findings given by the learned Tribunal in the earlier Original Applications and the observation made by this Court in different writ petitions so also by the Hon'ble Supreme Court in the aforesaid Special Leave Petitions, we are not convinced to accept the submission made by the learned counsel for the petitioners. Thus, we find no infirmity or illegality in the impugned order warranting our interference.



Accordingly, the writ petition fails and the same stands dismissed.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

(S.K. Mishra)
Judge

PKSahoo