

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P (S) No.1934 of 2017

1. The Union of India through the Divisional Railway Manager, South Eastern Railway, Ranchi, Shri Santosh Kumar Agrawal, S/o H.L. Agrawal P.O Hatia, P.S-Jagarnathpur, District-Ranchi, Jharkhand.
2. The General Manager, South Eastern Railway, Shri Sachchida Nand Agrawal, S/o Govind Das Agrawal, Garden Reach, Kolkata, P.O-Garden Reach, P.S-Garden Reach, Distt-Kolkata-43, West Bengal.
3. The Chief Personnel Officer, South Eastern Railway, Zarine Firdausi, W/o Ghulam Md. Sharfudin Garden Reach, Kolkata, P.O-Garden Reach, P.S-Garden Reach, Distt-Kolkata-43, West Bengal.

..... **Petitioners**

Versus

1. Mr. Binay Hembrom, S/o Late E. Hembrom, Resident of Quarter No.T/17C, North Railway Colony, P.O.& P.S.: -Chutia, Ranchi, presently posted as Mail Express Guard in South Eastern Railway, Ranchi Division, Ranchi, Jharkhand.
2.

(i)	Prema Sinha	(Widow)	66 yrs.
(ii)	Shalini Sinha	(Daughter)	42 Yrs.
(iii)	Sanwli Sinha	(Daughter)	40 Yrs.
(iv)	Swasti Sinha	(Daughter)	39 Yrs.

All are resident of 40, Crysta Lella Cheshire Homes Road near Mangalam Marriage Hall, Bariatu, P.O.and P.S. Bariatu, District Ranchi.
3. Mr. Bijay Bahadur Singh, S/o Shri N. Singh, R/o C/o R. K. Singh, House No.275, Gayatri Niwas, Geeta Colony, Prem Nagar, Road No.6, Hatia, Ranchi, Retired on 31.07.2013 and lastly posted as Mail Express Guard in South Eastern Railway, Ranchi Division, Ranchi, Jharkhand.
4. Mr. Ajay Prasad Singh, S/o Shri G. P. Singh, R/o House No.204, Puja Bhawan, Gayatri Niwas, Geeta Colony, Prem Nagar, Road No.6, Hatia, Ranchi, presently posted as Mail Express Guard in South Eastern Railway, Ranchi Division, Ranchi, Jharkhand.
5. Mr. Rajendra Kumar Singh, S/o Late S. Singh, R/o House No.275, Gayatri Niwas, Geeta Colony, Prem Nagar, Road No.6, Hatia, Ranchi, presently posted as Mail Express Guard in South Eastern Railway, Ranchi Division, Ranchi, Jharkhand.
6. Mr. Bhanu Pratap Singh, S/o Shri J. Singh, R/o Hatia Railway Colony, P.O. P.S.: Hatia, District: Ranchi, presently posted as Mail Express Guard in South Eastern Railway, Ranchi Division, Ranchi, Jharkhand.
7. Mr. Dubraj Nath, S/o Shri Sonu Nath, Resident of Quarter No. C/26B, North Railway Colony, P.O. & P.S.: -Chutia, District: -Ranchi, presently posted as Mail Express Guard in South Eastern Railway, Ranchi Division, Ranchi, Jharkhand.
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|-------|-----------------|---------|---------|
| (i) | Sushma Khaka | (Widow) | 58 Yrs. |
| (ii) | Aman Raj Kindo | (Son) | 28 Yrs. |
| (iii) | Major Raj Kindo | (Son) | 25 Yrs. |

All are resident of C/o Late Y. D. Kindo, New Kalyanpur, Road No.04, House No. 313, Hatia, P.O and P.S. Hatia, District Ranchi-03.

9. Mr. Sakti Pada Gayen, S/o Late P.C. Gayen, Resident of Soral Toly Mahilong, P.O. :-Ranchi, P.S.:- Ranchi District:-Ranchi presently posted as Mail Express Guard in South Eastern Railway, Ranchi Division, Ranchi, Jharkhand.

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|-------|----------------|---------|---------|
| (i) | Rajat Tirkey | (Widow) | 51 Yrs. |
| (ii) | Manish Tirkey | (Son) | 30 Yrs. |
| (iii) | Chandan Tirkey | (Son) | 28 Yrs. |
| (iv) | Gunjan Tirkey | (Son) | 24 Yrs. |

All are presently residing at C/o Late Bimal Tirkey, Ratu Kathitanr Basti, Kathitanr P.O. and P.S. Ratu, District Ranchi- 835222.

- 11.Mr. Arjun Prasad, S/o Shri M. Prasad, Resident of House No.258, Vikas Nagar, Road No.8A, Latma Road, Hatia, P.O. & P.S.:- Hatia, District:-Ranchi, presently posted as Mail Express Guard in South Eastern Railway, Ranchi Division, Ranchi, Jharkhand.

- 12.Mr. Shiv Charan Bhagat, S/o Late L. Bhagat, Resident of Mahra Toli, Kalyanpur, Near Railway Colony, D.S.I., P.O. & P.S.: Hatia, District :-Ranchi, presently posted as Mail Express Guard in South Eastern Railway, Ranchi Division, Ranchi, Jharkhand.

- 13.Mr. Arun Kumar, S/o Shri R. C. Mishra, Resident of House No.277, Mamta Bhawan, Geeta Colony, Prem Nagar, Road No.6, Hesag, P.O. & P.S.:-Hatia, District :-Ranchi, presently posted as Mail Express Guard in South Eastern Railway, Ranchi Division, Ranchi, Jharkhand.

..... **Respondents**

The Divisional Personnel Officer, South Eastern Railway, Ranchi Division, Ranchi, P.O-Hatia, P.S-Jagarnathpur, District-Ranchi, Jharkhand.

..... **Proforma Respondents**

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE SANJAY PRASAD

For the Petitioners : Mr. Prashant Pallav, ASGI
 Mr. Abhijeet Kumar Singh, CGC
 Ms. Shivani Jaluka, AC to ASGI
 For the Respondents : Mr. Manoj Kumar Tamboli, Advocate

Order No.10/Dated:28th April, 2026

Per Sujit Narayan Prasad, J.

I.A No.7184 of 2022

1. The instant interlocutory application has been filed for substitution of the respondent no.2, namely, Kamlesh Kumar Sinha; respondent no.8, namely, Mr. Yahoshu Dharambeer Kindo and respondent no.10, namely, Mr. Bimal Tirkey who all had died during pendency of the present writ petition.

2. The respondent nos.2, 8 and 10 are being sought to be replaced by their respective legal heirs and successors details thereof have been furnished in paragraph-5, 6 and 7 of the instant interlocutory application and in support thereof the death certificate of the concerned respondents have been appended with the present interlocutory application. For ready reference, paragraph-5, 6 and 7 of the instant interlocutory application are being referred hereinbelow:

“ 5. That respondent no.2 Kamlesh Kumar Sinha, died on 25.05.2021 at Ghaziabad leaving behind his following legal heirs and successors which are enumerated here under:

<u>Name</u>	<u>Relationship with the deceased</u>	<u>Age</u>
(i) Prema Sinha	(Widow)	66 yrs.
(ii) Shalini Sinha	(Daughter)	42 Yrs.
(iii) Sanwli Sinha	(Daughter)	40 Yrs.
(iv) Swasti Sinha	(Daughter)	39 Yrs.

All are resident of 40, Crysta Lella Cheshire Homes Road near Mangalam Marriage Hall, Bariatu, P.O.and P.S. Bariatu, District Ranchi.

6. That the Respondent No.8 Yahoshu Dharambeer Kindo died at RIMS, Ranchi on 25.04.2021 leaving behind his following legal heirs and successors which are enumerated here under :-

<u>Name</u>	<u>Relationship with the deceased</u>	<u>Age</u>
(i) Sushma Khaka	(Widow)	58 Yrs.
(ii) Aman Raj Kindo	(Son)	28 Yrs.
(iii) Major Raj Kindo	(Son)	25 Yrs.

All are resident of C/o Late Y. D. Kindo, New Kalyanpur, Road No.04, House No. 313, Hatia, P.O and P.S. Hatia, District Ranchi-03.

7. That the Respondent No.10 Bimal Tirkey died 01.01.2021 leaving behind his following legal heirs and successors which are enumerated here under :-

<u>Name</u>	<u>Relationship with the deceased</u>	<u>Age</u>
(i) Rajat Tirkey	(Widow)	51 Yrs.
(ii) Manish Tirkey	(Son)	30 Yrs.
(iii) Chandan Tirkey	(Son)	28 Yrs.
(iv) Gunjan Tirkey	(Son)	24 Yrs.

All are presently residing at C/o Late Bimal Tirkey, Ratu Kathitanr Basti, Kathitanr P.O. and P.S. Ratu, District Ranchi- 835222."

3. There is no opposition by the learned counsel for the respondents, the writ petitioners before the learned Central Administrative Tribunal, Patna Bench, Circuit Bench, Ranchi.

4. This Court, considering the reason assigned in the present interlocutory application, is of the view that the present interlocutory application is to be allowed and, accordingly, allowed.

5. Let necessary correction be carried out in the memo of writ petition during course of the day.

6. Office to proceed accordingly.

7. I.A No.7184 of 2022 stands disposed of.

W.P.(S) No.1934 of 2017

8. The instant writ petition, filed under Article 226 of the Constitution of India, has been filed against order dated 25.03.2015 passed in OA No.192 of 2013(R) by learned Central Administrative Tribunal, Patna Bench, Circuit Bench, Ranchi, by which, the learned Tribunal has quashed the order dated 26.06.2013, whereby and whereunder the benefits of MACP to Grade Pay of Rs. 4600-4800 has been denied; and further the tribunal directed to give benefits of MACP in the Grade Pay of Rs.4600-4800 including other entire consequential benefits to the respondents/applicants on the similar footing/line, as granted to the

applicants of OA No. 721 of 2012 by the learned Tribunal (Patna Bench).

9. The brief facts of the case as per the impugned order and the pleadings made in the writ petition which require to be enumerated reads as under:

(i) The applicants in this OA, namely Shri Binay Hembrom and 12 (twelve) others, are Railway employees working as Mail Express Guards in the Ranchi Division of South Eastern Railway.

(ii) Pursuant to recommendations of the Sixth Central Pay Commission, the Ministry of Railway replaced the existing Assured Career Progression [ACP] Scheme by a new scheme, i.e., the Modified Assured Career Progression (MACP) Scheme.

(iii) Under the ACP scheme, employees were entitled to be granted two financial upgradations after 12 and 24 years of regular service and this was changed to 10, 20 and 30 years of regular service.

(iv) All the applicants entered in the service as 'Goods Guard' in the initial pay scale of Rs.2800/-. Further promotional avenue in the cadre is Goods Guard, Senior Goods Guard, Passenger Guard, Senior Passenger Guard and Mail/Express Guard. It is also relevant that the pay scales of Senior Goods Guard and Passenger Guards are the same.

(v) After the introduction of the MACP scheme, the applicants were extended the benefits of the same and started getting higher pay and Grade Pay with effect from 1.9.2008.

(vi) However, without any notice, the up-gradation was withdrawn from May, 2013 against which the applicants submitted representation on 28.5.2013.

(vii) In response thereto, the applicants were informed, vide letter dated 26.6.2013 that their higher entitlements (financial up-gradation] was not admissible in terms of Railways Board Memo No. P.C-V/2010/MACP/7ECR dated 10.2.2011.

(viii) Further, vide memo no. PC-V/2010/MACP/7/ECR dated 10.02.2011, the Railway Board had clarified that the promotion from Senior Goods Guard to Passenger Guards should be counted for the purpose of the MACP scheme in terms of para 5 of the letter dated 10.06.2009 (Annexure-1 of the O.A), but the promotion from Passenger Guard to Senior Passenger Guard should be ignored for the grant of MACP Scheme.

(ix) Since, the scale of Passenger Guards (Rs.5000-8000/-) and Senior Passenger Guards (Rs.550-9000) had been merged and allotted grade pay of Rs.4200/-, the Railway Board clarified that if an employee appointed as Goods Guard earns three promotions/financial upgradations till he reaches the post of Mail/Express Guard, he shall not be entitled to further financial upgradation under the MACP Scheme.

(x) In other words, the said circular held that an employee appointed as a Goods Guard will not be entitled to any further financial upgradation under the MACP Scheme if he has earned following three promotions/financial upgradation till he reaches Mail/Express Guard :-

- (a) From Goods Guard to Senior Goods Guard,
- (b) From Senior Goods Guard to Passenger Guards, and
- (c) From Senior Passenger Guard to Mail/Express Guard.

(xi) It is further case of the applicant that clarifications on which the financial up-gradation has been adversely reviewed is incorrect and the action of the respondents is illegal, arbitrary and against the rules of pay fixation.

(xii) Further, the matter has been appropriately considered in several judicial Forum and ruled upon. In this regard, the applicants refer to judgment of the learned Tribunal [Allahabad Bench] in O.A No. 1241 of 2011 which was also subsequently upheld by the Hon'ble Allahabad High Court in the Writ Application No. 18244 of 2013.

(xiii) In the light of these rulings, the applicants submit that the law has been settled to the effect that movement of Senior Goods Guard to the post of Passenger Guard is not a promotion but a lateral induction. [In rejoinder filed by the applicants, they have refuted the submissions of the respondents in their written arguments and also drawn attention to rulings of the Tribunal [Patna Bench] dated 25.2.2014 in OA No. 721 of 2012 and 14.1.2015 in OA No. 050/00027/2014, which have also ruled on the basis of judgments of the Allahabad Bench of this Tribunal and Hon'ble Allahabad High Court).

(xiv) In response thereof, the respondent-Union of India through Railway has filed its written statement in support of its action and denying the claim of the applicants by referring that its

actions have been entirely guided by applicable rules/guidelines and circulars.

(xv) It is stated in their response that the applicants are Mail/Express Guards and they have already earned three promotions and, as such, they are not entitled to any further financial upgradation, but, inadvertently they were granted financial upgradation of Grade Pay of Rs.4600/- and Rs.4800/-.

(xvi) It is pleaded that after receiving clarifications from the Railway Board vide letter dated 10.02.2011, the said financial upgradation has been subsequently withdrawn.

(xvii) Being aggrieved with said withdrawal, the applicants approached the learned Tribunal, Patna Bench, Circuit Bench, Ranchi by filing O.A No.192 of 2013 (R) which was allowed vide order dated 25.03.2015 entitling the applicants for the relief as sought for and direction was passed to extend the benefit of MACP to the Grade Pay of Rs.4600-4800/- including other entire consequential benefits to the applicants on the similar footing/line as granted to the applicants of O.A No.721 of 2012 and on the basis of the earlier judicial rulings by a co-ordinate Bench of the Tribunal, i.e. the Ernakulam Bench and Allahabad Bench and further affirmed by the Hon'ble Allahabad High Court.

10. The petitioner-Union of India through Railway being aggrieved with the order dated 25.03.2015 passed in O.A No.192 of 2013 (R), approached before this Court by filing the present writ petition.

11. Mr. Prashant Pallav, the learned ASGI assisted by Mr. Abhijeet Kumar Singh, the learned CGC appearing for the writ petitioner-Railway

who was the respondents before the learned Tribunal in all fairness has submitted that the similar issues has been decided by this Court in the matter in W.P(S) No.4256 of 2025 vide its judgment dated 21.04.2026.

12. It has been submitted that the present writ petition may also be disposed of in terms of the judgment of this Court in W.P(S) No.4256 of 2025.

13. The learned counsel appearing for the respondent-applicants has submitted by relying upon the judgment dated 21.04.2026 passed in W.P(S) No.4256 of 2025 by this Court that the present matter may also be disposed of in terms of the aforesaid judgment.

Analysis:

14. We have heard the learned counsel for the parties.

15. The learned counsel appearing for the parties although have agreed that the matter is squarely covered with the judgment dated 21.04.2026 passed by this Court in W.P(S) No.4256 of 2025 but even then this Court has thought it proper to examine the factual aspect as per which the present writ petition is filed so as to come to the conclusive finding as to whether the judgment dated 21.04.2026 passed in W.P(S) No.4256 of 2025 is occupying the field at present.

16. This Court, therefore, thought it proper first to refer the prayer portion as referred in the judgment at paragraph-1 which is being referred hereinbelow:

“The instant writ petition, filed under Article 226 of the Constitution of India, has been filed against order dated 17.12.2024 passed in OA/051/01142/2019 by learned Central Administrative Tribunal, Patna Bench, Circuit Bench, Ranchi, by which, the learned tribunal has quashed order dated 02.08.2019, whereby and whereunder the benefits of MACP to Grade Pay of

Rs. 4600-4800 has been denied; and further the tribunal directed to give benefits of MACP in the Grade Pay of Rs.4600-4800 including other entire consequential benefits to the respondents/applicants on the similar footing/line, as granted to the applicants of OA No. 051/00027/2014.”

17. This Court has also gone through the factual matrix as referred in paragraph-2 onwards of the said judgment and found that the issue involved in the aforesaid writ petition being W.P(S) No.4256 of 2025 is with respect to the claim of the original applicants holding them entitled of 2nd and 3rd MACP by granting the Grade Pay of Rs.4600-4800/- respectively by way of grant of 2nd and 3rd upgradation under MACP Scheme.

18. The learned Tribunal has passed the order in favour of the original applicants by putting reliance upon the judgment passed by the Allahabad High Court and subsequent thereto the dismissal of Special Leave Petition by the Hon’ble Apex Court against the judgment passed by the Allahabad High Court.

19. The learned Tribunal has also taken into consideration the judgment passed by the Ernakulam Bench of the learned Tribunal and after putting reliance upon the said judgment as would be evident from paragraph-72 onwards the said Original Application was allowed.

20. Adverting to the present case herein also, the claim of the original applicants was for holding them entitled for the Grade Pay of Rs.4600-4800/- respectively by granting 2nd and 3rd upgradation by virtue of the MACP Scheme.

21. This Court has come out with the conclusive finding in the judgment dated 21.04.2026 passed in W.P(S) No.4256 of 2025 as would

be evident from the relevant paragraph-67 onwards are being referred hereunder as:

67. So far second issue i.e., whether the case of **Delhi Nurses Union** can be applied to the applicant who belongs to the Eastern Railway, is concerned, relevant portion of finding as has been given is quoted as under:

“In order to strengthen the arguments, the ld. Counsel for the applicants has taken the support of the decision of the Hon’ble High Court of Delhi dated 24.8.12 rendered in the case of Union of India —vs- Delhi Nurses Union (Regd.) & Anr. In WP(C) No. 5146/2012. The direction in the above judgment cannot be taken assistance of in the present cases because the hierarchy in Nursing Cadre for the Delhi Nurses Union, the Nurses of which are employed in the Central Government Hospitals is different from the hierarchy of the Nurses of the Eastern Railway. The promotional hierarchy of the Railway Nursing cadre of Medical Department consists of the following:

Staff Nurse GP Rs.4600

Nursing Sister : GP Rs.4800/-

Chief Matron GP Rs.5400/-

Assistant Nursing Sister: GP Rs.5400/-

There are no other designation of Nursing Personnel in the Eastern railways. But in Government Hospitals in Delhi there are two other designations carrying GP Rs.6600/- and Rs.7600/-. The designations of structure of Nursing Staff as per Finance Department's Notification dated 29.8.2008 is as under:

Staff Nurse : GP Rs.4600/-

Nursing Sister : GP Rs.4800/-

Assistant Nursing Sister :GP Rs.5400/-

Deputy Nursing Sister : GP Rs.5400/-

Nursing Superintendent: GP Rs,6600/-

Chief Nursing Officer : GP Rs,7600/-

Thus from the post of Assistant Nursing Superintendent and Deputy Nursing Sister, higher posts are available in the hierarchy with Grade Pay of Rs.6600/- and Rs.7600/- whereas, in the present cases hierarchy ends with the post of ANO carrying the GP of Rs.5400/- and as discussed

earlier, the benefits of financial upgradation cannot be higher than the benefit available on normal promotions.”

68. In view of the finding so recorded by the tribunal, the Original Application being OA No. 1286 of 2013 was dismissed vide order dated 27th February, 2017.”

69. The applicants being aggrieved with the order passed by the tribunal approached the Calcutta High Court by filing W.P.C.T. No. 123 of 2017, which was allowed holding as under:

“In our judgment dated 14th June, 2017 we have decided the same issue as involved in the original application being OA-1286 of 2013 and have held that the benefits of MACP can be extended beyond the hierarchy of the posts of the cadre and can be of a quantum more than the Grade Pay of the promotional post and have observed that the petitioners therein are entitled to the grant of third financial upgradation in the Grade Pay of `6,600/- and the respondents therein were directed to refund the amount as withdrawn from the salary of the petitioners therein within a period of four weeks.

Accordingly, the impugned order dated 27th February, 2017 passed in the original application, being OA-1286 of 2013, is set aside so far as the petitioner is concerned and the respondents are directed to grant the benefits to the petitioner as granted by our judgment dated 14th June, 2017 delivered in WPCT 98 of 2015 and other connected matters.

70. Aggrieved thereof, the Union of India through Railways approached Hon”ble Apex Court by filing Civil Appeal No. 3321 of 2018 and other analogous cases, which was allowed vide order dated 27th March, 2018 up-holding the order passed by the tribunal and it has been held as under:

5. In our opinion, the view taken by the High Court that the respondents are entitled to grade pay higher than what they may get on actual promotion in the hierarchy cannot be sustained. The High Court erred in distinguishing the judgment on the ground that the same related to ACP Scheme. We do not find any reason to exclude the principle laid down therein for interpretation of MACP.

Moreover, clarification referred to above fully supports this interpretation.

Accordingly, the impugned order(s) is set aside and the appeals filed by the Union of India are allowed.

However, we make it clear that no payments already made will be recovered from the respondents.

71. Now coming to the order/judgment, upon which much emphasis has been laid down by learned counsel for the respondents i.e., applicants of Original Application No. 51/0027/2014, basis upon which the impugned order has been passed by the learned tribunal also requires to be discussed.

72. In Original Application No. 51/0027/2014 [Kawish Kumar & Ors Vs. Union of India & Ors.], the applicants were the Cadre of Guard, under the Division of Dhanbad Division of East Central Railway.

73. In that Original Application, the applicants made out the case that after formulation of the MACP Scheme, the applicants were extended the benefits of the same vide order dated 18.05.2010 in the scale of Rs.4600/4800/-. However, in the light of Railway Board letter dated 10.02.2011, they were informed that their financial up-gradation was being reviewed. Subsequently, vide different orders as contained in Memo No.27.09.2011, the applicants were informed by the office of Senior Divisional Personnel Officer, East Central Railway, Dhanbad that financial up-gradation granted to them under MACP order is being reviewed and accordingly their pay shall be reviewed. Being aggrieved thereof, the concerned applicants [Kawish Kumar & Ors Vs. Union of India & Ors.] approached the Central Administrative Tribunal, Patna Bench, Circuit Bench, Ranchi. The said applicants have taken the ground that similar financial up-gradation given to the employees of Railways has been agitated before the Ernakulam bench of the Central Administrative Tribunal as well as before the Allahabad Bench and both the tribunals declared vide orders dated 22.02.2012 in O.A. No. 484 of 2011 and order dated 24.09.2012 in O.A. No. 1241 of 2011 respectively, the action of the respondents-railway illegal and directed to grant the up-gradation under the MACP Scheme.

74. In the said original application [Original Application No. 51/0027/2014], the applicants have also drawn attention to the judgment dated 25.02.2014 passed in O.A. No. 721 of 2012 of Tribunal of Patna Bench and submission was made that the case of the applicants stands on same footing.

75. *The tribunal, taking into consideration the entire gamut of the matter, allowed the Original Application vide order dated 14th January, 2015, which was affirmed up-to Hon''ble Apex Court. The relevant paragraph of the order dated 14th January, 2015, passed in OA No. 051/00027/2014 is quoted as under:*

“5. In view of the above, this Tribunal holds that the prayer of the applicants in this OA is both just and justifiable. As such, reliefs prayed for in para 8 of this OA are allowed in full. The Impugned orders referred to in paras 8 [a], [b] and [c] are quashed and set aside. Further, the respondents are directed to restore the financial upgradation granted under MACP to the applicants within a period of three months from the date of receipt /communication of this order. It is reiterated that the ruling of this Tribunal is based on the orders dated 22.02.2012 and 24.09.2012 passed by Ernakulam Bench and Allahabad Bench of this Tribunal in similar matters; that these Rulings have stood the test of time and scrutiny. That the decision of Hon'ble High Court, Allahabad in CWJC No. 18244 of 2013, decided on 19.07.2013, stands testimony to this foundation.

6. In sum, this OA succeeds and stands disposed in terms of above, with no order as to costs.”

76. *From the case laws, as discussed above and as cited by the parties, it is evident that emphasis upon which has laid down by learned counsel for the writ petitioners-railway i.e., on the judgment/order passed by Hon''ble Apex Court in Civil Appeal No. 3328- 3329/2018 with analogous cases, wherein the Hon''ble Court vide its judgment dated 27.03.2018 has held that the employee are not entitled to Grade pay higher than what they may get on actual promotion in hierarchy. From the factual aspect involved in that case, it is evident that the matter is of different cadre of Railways i.e., of Nurse Cadre of Govt. Railway Hospital whereas the present case relates to the Guard Cadre. From the tabular chart, as depicted in the preceding paragraphs, it is evident that on joining the post of Goods Guard only one hierarchical promotional scale i.e., in the scale of Rs. 4200 Grade pay has been shown for next three hierarchical posts i.e., the post of Sr. Goods Guard/Passenger Guard/Sr. Passenger Guard to Mail/Express Guard.*

77. *The law is well settled that applicability of the judgment depends upon facts governing each case. Reference in this regard may be made to the judgment rendered by the Hon'ble Apex Court in Dr. Subramanian Swamy vs. State of Tamil Nadu & Ors reported*

in (2014) 5 SCC 75, for ready reference, the relevant paragraph of the aforesaid judgment, is being quoted as under :

"47. It is a settled legal proposition that the ratio of any decision must be understood in the background of the facts of that case and the case is only an authority for what it actually decides, and not what logically follow from it. "The court should not place reliance on decisions without discussing as to how the factual situation fits in with the fact situation of the decision on which reliance is placed."

78. Thus, the judgment cities by learned CGC appearing for the petitioners will not at all applicable in the case at hand, rather, the case law cited by the respondents-applicants is applicable.

79. The issue, as framed by this Court is answered against the petitioners-railways.

80. In Original Application OA No. 051/00027/2014, the applicants had sought same and similar relief after formulation of the MACP Scheme, the applicants were extended the benefits of the same vide order dated 18.05.2010 in the scale of Rs. 4600/4800/-. However, in the light of Railway Board letter dated 10.02.2011, they were informed that their financial up-gradation was re-casted/reviewed vide Memo No.27.09.2011. The said applicants have taken the ground that similar financial up-gradation given to the employees of Railways has been agitated before the Ernakulam bench of the Central Administrative Tribunal as well as before the Allahabad Bench and both the tribunals declared vide orders dated 22.02.2012 in O.A. No. 484 of 2011 and order dated 24.09.2012 in O.A. No. 1241 of 2011 respectively, the action of the respondents-railway illegal and directed to grant the up-gradation under the MACP Scheme. The said Original Application filed before the Patna Bench was allowed and affirmed up-to Hon'ble Apex Court.

81. The original applicants, the respondents herein on the strength of order passed in Original Applicants being O.A. No. 051/00027/2014 filed Original Application OA/051/01142/2019 before the learned Central Administrative Tribunal, Patna Bench, Circuit Bench, Ranchi, which was allowed, which is impugned herein. The relevant portion of the judgment is quoted as under:

"23 In view of the above mentioned letters it is evident that the applicants are very much entitled for the MACP and also in view that the other similarly situated employees are

getting benefit of the MACP in the Grade Pay of 24600/4800 as may be applicable to them and therefore the frivolous ground taken by the respondents that since the applicants were not the party in the earlier OA, as such, they are not entitled for the same relief does not have any leg to stand in the eye of law.

24. Heard the learned counsel for the parties and also perused the relevant papers made available to us during the pleadings by them.

25. It is noted that issues and facts in the present OA are squarely covered with the order dated 14.01.2015 passed by this Tribunal in OA/051/00027/2014. The order dated 14.01.2015 passed in the said OA No. 27/2014 was challenged before the Hon'ble High Court of Jharkhand judicature at Ranchi in WP(S) 4754 of 2015 and the Hon'ble High Court dismissed the said WP vide its order dated 10.03.2016 passed by the Hon'ble High Court of Jharkhand at Ranchi. However, the Hon'ble Supreme Court dismissed the said SLP vide its order dated 24.03.2017. Subsequently, the respondents filed Review Petition (C) No. 386 of 2018 in SLP (C) No. 31519 of 2017 before the Hon'ble Supreme Court and the said Review Petition was also dismissed by the Hon'ble Supreme Court vide its order dated 20.02.2018.

26. From the above, it is understood that order dated 14.01.2015 passed by this Tribunal in OA No. 27/2014 wherein the issues and facts are identical to the facts and issues involved in the present OA acquires its finality. This Tribunal holds that the prayer made in para 8 of the OA of the applicants is just and justifiable.

27. In view of the above, applicants are entitled to the relief sought by them in para 8 of the OA as mentioned in para 1 above. Resultantly, letter/order dated 02.08.2019 signed by the St. Divisional Personnel Officer, East Central Railway, Dhanbad Division, Dhanbad, whereby and whereunder the benefits of the MACP to the Grade Pay of Rs. 4600-4800 has been denied is quashed. Respondents are hereby directed to give benefit of MACP to the Grade Pay of Rs

4600-4500 including other entire consequential benefits to the applicants of thin OA on the similar footing/lines as granted to the applicants of OA No. 051/00027/2014.

28. OA is allowed and stands disposed of in terms of above order, with no order as to costs."

82. This Court, after discussing the aforesaid fact coupled with the legal issues and adverting to the finding recorded by the tribunal in the impugned judgment, has found that the all aspects of the matter has been taken into consideration by the tribunal and thereafter the impugned order has been passed.

83. This Court, based upon the aforesaid consideration made by the learned tribunal and the reason assigned therein, is of the view that the order passed by the learned tribunal cannot be said to suffer from error and requires no interference, since it is not coming under the fold of error apparent on the face of order.

84. Accordingly, this Court is not inclined to exercise the power of judicial review so as to interfere with the order passed by the learned tribunal.

85. Accordingly, the instant writ petition stands dismissed.

86. Pending Interlocutory Applications, if any, also stand disposed of."

22. This Court, considering the factual aspect of the present writ petition, exactly similar to that of the judgment dated 21.04.2026 passed in W.P(S) No.4256 of 2025, therefore, is of the view that the present writ petition is fit to be dismissed and, accordingly, dismissed.

23. Pending I.As, if any, stands disposed of.

(Sujit Narayan Prasad, J.)

(Sanjay Prasad, J.)

Dated:28.04.2026
Sudhir
AFR