

Eastern Railway
(Personnel Department)

17 N. S. Road
Kolkata – 700 001

Serial Circular No. 143/2016

No. E.368/0/ACP/CC/Misc.

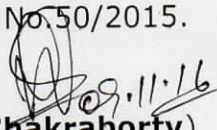
Kolkata, Dated: 08/11/2016

ALL CONCERNED

(As per the standard List)

Sub: Sharing of information regarding favourable judgments.

Following copy of Railway Board's letter No. **PC-V/2015/PNM/AIRF/1** dated 28/10/2016, along with its enclosure, on the above noted subject is forwarded herewith for information and guidance. Board's earlier letter dated 21/04/2015 mentioned therein was circulated under this office Serial No. 50/2015.


(S. Chakraborty)

Sr. Personnel Officer/BGB
For Chief Personnel Officer
Phone No. 24115

Copy of Board's letter No. **PC-V/2015/PNM/AIRF/1** dated 28/10/2016 addressed to the GM (P)/All Zonal Railways & PUs.

Sub: Sharing of information regarding favourable judgments.

Attention is invited to Board's letter No. PC-V/2014/CC/Misc., dt. 21.4.2015 whereby the orders dt. 30.7.2014 of Hon'ble Supreme Court in CA No. 5153-57 of 2009 was circulated in context of regulation of ACP/MACP cases where the feeder and promotional posts are in same Grade Pay. In context of Board's abovementioned letter, an item (No.51/2015) was raised by the All India Railwaymen's Federation (AIRF) in PNM forum. The position was clarified to the Federation vide Board's letter of even number dt. 13.01.2016.

In the last PNM meeting, it was agreed to endorse the clarification dt. 13.01.2016 to all the Zonal Railways as well. Accordingly, a copy of Board's letter dt. 13.01.2016 is forwarded herewith for Railway's information.

Sd/-(N. P. Singh)
Dy. Director, PC-V
Railway Board

DA: As above.

INDEX No.1060: Clarification reg. financial upgradation under the ACPS/MACPS.

GOVERNMENT OF INDIA/भारत सरकार
MINISTRY OF RAILWAYS/रेल मंत्रालय
(Railway Board) रेलवे बोर्ड

New Delhi, dated 13.01.2016

Nº PC-V/2015/PNM/AIRF/1

The General Secretary
AIRF
4, State Entry Road,
New Delhi-110055

Sir,

Sub:-Sharing of information regarding favorable judgments.

The undersigned is directed to refer to PNM item No.51/2015 and AIRF's letter No. AIRF/MACP (501), dated 02.07.2015 on the above subject and to state that the ACP Scheme was introduced with an object to mitigate the problems of genuine stagnation and hardship faced by the employee due to lack of adequate promotional avenues. The ACP Scheme has been modified based on the recommendations of 6th CPC and now called Modified ACP (MACPS) but there is no change in the objective for which the scheme has been devised. Further, in terms of Board's letter dt. 10.06.09 (RBE No.101/2009) read with instructions dt. 13.12.2012 (RBE No.142/2012) financial upgradation under MACPS has to be given in the hierarchy of Grade Pay and Pay Band introduced by the Govt. based on the recommendations of 6th CPC but in situations where feeder post is in same Grade Pay as for the promotional post, the financial upgradation under the MACPS would be granted to the same Grade Pay, since financial upgradation under ACP/MACP Scheme cannot be to a higher Grade Pay than what can be allowed to an employee on his normal promotion. As such, the contention of the Federation that financial upgradation under ACPS has to be given only in the next higher Grade Pay is not correct.

Further, the rational laid down by the Hon'ble Supreme Court in their order dt.30.07.2014 in CA No. 5153-5157 of 2009 is analogous to the instructions communicated vide Board's letter dt.13.12.2012 and therefore applies in case of MACPS as well. In this regard, it is stated that the issue of applicability of rational of Hon'ble Supreme Court's said order in MACP case have been considered by the Hon'ble CAT/Chennai in O.A No.310/00514-2015 (V. Subhashani & Ors Vs UOI & Ors) and decided favorably.

Federation is requested to appreciate the above position.

Yours faithfully,

for Secretary/ Railway Board

Copy to: Director (IR), Railway Board.

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