



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.24167 of 2019

Rabindra Kumar Mohanty ***Petitioner***
Mr. Agasti Kanungo, Advocate

-versus-

Union of India represented ***Opp. Parties***
through its General Manager, East
Coast Railway, BBSR and Others

Mr. P. K. Parhi, DSGI
Mr. Satya Sindhu Kashyap, Sr. P. C.

CORAM:
JUSTICE KRISHNA S. DIXIT
JUSTICE CHITTARANJAN DASH

Order No.

ORDER
06.07.2026

18. 1. Heard learned counsel for the Parties.
2. The Petitioner, an employee, is knocking at the doors of the Writ Court assailing the order dated 31.08.2018 passed by the Central Administrative Tribunal, Cuttack Bench in O.A. No. 260/275 of 2012, whereby the said Original Application has been negatived.
3. Learned counsel for the Petitioner draws our attention to Paragraph-5 of the MACP Policy dated 10.06.2009. The relevant part avails at Page-14. The said Paragraph reads as under:

“Promotions earned/upgradations granted under the ACP Scheme in the past to those grades which now carry the same



Grade pay due to merger of pay scales/upgradations of posts recommended by the Sixth Pay Commissions shall be ignored for the purpose of granting upgradations under Modified ACPS.”

4. Learned counsel submits that the promotion earned by his client is by virtue of upgradation or otherwise is liable to be excluded while computing the event of benefits under the ACP Scheme and this having not been noticed by the Tribunal, there is error apparent on the face of the record warranting interference of the Writ Court.

5. Per contra, learned DSGI assisted by Mr. Kashyap, learned Sr. Panel Counsel appearing for the Union points out that Paragraph-5 itself makes it clear that the exclusion is possible only when the Grade Pay, prior to upgradation for merger and post-merger is one and the same. He points out that the Grade Pay was earlier ₹1950-1400/- whereas post-merger it is ₹2000-3200/-.

6. Having heard learned counsel for the Parties and having perused the Petition Papers, we decline indulgence in the matter broadly agreeing with the submission of learned DSGI inasmuch as for claiming the benefit of the kind under a Scheme, the conditions stipulated therein have to be strictly complied with. Apparently, the condition stipulated in Paragraph-5 of the Policy Statement is not complied with, the Grade Pays being different from pre-merger and post merge. Although this aspect of the matter has not been satisfactorily dealt with by the Tribunal in reasoning part of the impugned order, that would not make much



difference, when the factors can be ascertained from the material produced on record.

7. In the above circumstances, the Writ Petition is liable to be dismissed and accordingly it is, costs having been made easy.

(Krishna S. Dixit)
Judge

(Chittaranjan Dash)
Judge

AKPradhan/Priyanka