



2026:AHC:48932-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 7861 of 2025

Rahul Madan

.....Petitioner(s)

Versus

Union of India and 3 others

.....Respondent(s)

Counsel for Petitioner(s)	: Gaurav Gautam, Sameer Kumar Rai, Srishti Singh
Counsel for Respondent(s)	: A.S.G.I., Gopal Verma, Kailash Prakash Pathak

Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE KSHITIJ SHAILENDRA, J.

1. This petition is directed against order dated 05.04.2025 passed by Central Administrative Tribunal, Allahabad Bench, Allahabad in Original Application ('OA') No. 1221 of 2019 whereby, the OA filed by the petitioner seeking setting aside of the orders dated 30.08.2019 and 08.06.2018 and a direction to consider the claim of the petitioner for grant of Grade Pay of Rs. 4600/- (Level-7) of MACP along with all consequential benefits, has been dismissed.

2. The petitioner was initially appointed as Fitter Grade-III with the respondents on 16.08.1997. On 12.05.2004, he was granted first promotion to the post of Fitter Grade-II. While the petitioner was working as Fitter Grade-II, a selection process was initiated for the Ex-cadre post of Instructor and after the petitioner was found suitable, he was posted as TTC/Instructor 'B' on 18.01.2006. Whereafter, the petitioner qualified Intermediate Apprentice Mechanic (IAM) examination and was posted as Junior Engineer (Fitter) in the pay scale of Rs. 5000-8000 on 22.03.2007 and was sent for training for a period of 18 months, which was later reduced to 12 months. The grievance raised was that the petitioner was not accorded promotion as per MACP Policy, representations were made, which were rejected.

3. The claim made by the petitioner was contested by the respondents with the submissions that the petitioner was appointed as Fitter Grade-III

on 16.08.1997. He was promoted to the post of Fitter Grade-II on 12.05.2004 and by order dated 22.03.2007, he was promoted as Technician Fitter Grade-I and as such, once he was posted as Junior Engineer in the pay scale of Rs. 5000-8000, he had earned three promotions and was, therefore, not entitled for the benefit of MACP.

4. The Tribunal after hearing the parties, quoting the rejection of the representations, in a cursory manner observed that on close scrutiny of entire facts and circumstances of the case, it is evident that the petitioner had got three promotions since joining the service and, therefore, he was not entitled to any relief and consequently dismissed the OA. Feeling aggrieved, the present petition has been filed.

5. Submissions have been made that the petitioner was appointed on 16.08.1997 as Fitter Grade-III in the pay scale of Rs. 3050-4590. On 12.05.2004, he was promoted to the post of Fitter Grade-II in the pay scale of 4000-6000, which was his first regular promotion. While working as Fitter Grade-II, the petitioner was empanelled and posted as TTC/Instructor 'B' (Ex-cadre) in the pay scale of Rs. 5000-8000. The said posting was Ex-cadre and not part of the regular promotional hierarchy.

6. On 20.02.2006, the petitioner qualified the Intermediate Apprentice Mechanic (IAM) Examination and was appointed as Junior Engineer (Fitter) Level-6 in the pay scale of Rs. 5000-8000 under the prescribed promotional quota. It is claimed that the same was his second regular promotion. On 06.03.2006, consequent to appointment as Junior Engineer (Fitter), the petitioner was relieved from his original cadre to undergo mandatory training of 18 months. On 27.01.2007, the training was curtailed by competent authority by 6 months and as such on 21.03.2007, the petitioner was relieved from training to join as Junior Engineer (Fitter) Level-6, where he joined on 22.03.2007.

7. Submissions have been made that on 22.03.2007 itself, the order was passed showing promotion to the petitioner to the post of Fitter Grade-I (Level-5) even though he was already relieved from training and joined as Junior Engineer (Fitter) on the said date.

8. The petitioner on completion of ten years became eligible for MACP

and submitted representation, which was wrongly rejected by treating purported promotion from Fitter Grade-II to Fitter Grade-I as one additional promotion and, therefore, the order impugned deserves to be set aside.

9. Learned counsel for the respondents attempted to support the order impugned. In the counter affidavit, in paragraph no. 18, submissions have been made that had the training not been curtailed, the petitioner would have first been promoted to Fitter Grade-I and drawn the Pay Scale of Rs. 4500-7000/- during the remainder of his training and only thereafter would have been posted as Junior Engineer and drawn the Pay Scale of Rs. 5000-8000. Based on which, it is claimed that the order passed on 22.03.2007 according promotion from the post of Fitter Grade-II to Fitter Grade-I, was his second promotion and then his posting as Junior Engineer was his third promotion and, therefore, the Tribunal was justified in dismissing the OA.

10. We have considered the submissions made and have perused the material available on record.

11. The fact that the petitioner was appointed on the post of Fitter Grade-III and was promoted to the post of Fitter Grade-II is not in dispute. Whereafter, on petitioner qualifying the Intermediate Apprentice Mechanic (IAM) Examination, was appointed a Junior Engineer in the Pay Scale of Rs. 5000-8000 on 20.02.2006 and was sent for mandatory training of 18 months, however, the training was reduced to 12 months resulting the petitioner being accorded joining on the promoted post on 22.03.2007.

12. Once, the petitioner was accorded posting as Junior Engineer (Fitter) on 22.03.2007, on the same day, another order was passed according him promotion as Fitter Grade-I which is Level-05 post i.e. in the Pay Scale of Rs. 4500-7000 whereas the post of Junior Engineer (Fitter) is Level-06 post in the Pay Scale of Rs. 5000-8000. The claim made by the respondents that the promotion accorded on 22.03.2007 from the post of Fitter Grade-II to Fitter Grade-I was the second promotion and the promotion to the post of Junior Engineer (Fitter) was the third promotion,

is *ex-facie* incorrect as once the petitioner was selected to be appointed as Junior Engineer (Fitter) on 20.02.2006, in the Pay Scale of Rs. 5000-8000, he was not available in Fitter Grade-II to be promoted to Fitter Grade-I and the exercise undertaken by the respondents was wholly infructuous and cannot be used to claim that the petitioner was accorded promotion from the post of Fitter Grade-II to Fitter Grade-I as on the date of passing of the order, the petitioner was already posted as Junior Engineer i.e. Level-06 posting whereas the Fitter Grade-I is Level-5 posting.

13. In that view of the matter, once the alleged promotion from Fitter Grade-II to Fitter Grade-I is to be ignored, the petitioner in that case had only got two promotions in his career i.e. from Fitter Grade-III to Fitter Grade-II and from Fitter Grade-II to Junior Engineer (Fitter) based on his qualifying the IAM examination and as a consequence was entitled for grant of MACP.

14. Consequently, the rejection of the representations and dismissal of OA, cannot be sustained.

15. In view of the above discussion, the petition is **allowed**. The orders dated 30.08.2019 and 08.06.2018 passed by the respondents and the order dated 05.04.2025 passed by the Tribunal are set aside.

16. The respondents are directed to consider the case of the petitioner for grant of Grade Pay of Rs. 4600 (Level-7) of MACP along with all consequential benefits within a period of six weeks from the date of this order.

(Kshitij Shailendra,J.) (Arun Bhansali,CJ.)

March 10, 2026

Sandeep