



2025:CGHC:59733-DB

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1833 of 2025

- 1** - Union Of India Through The Secretary, Railway Board, Ministry Of Railways, Rail Bhawan, Raisena Road, Rafi Marg, New Delhi 110001.
- 2** - General Manager South East Central Railway, New GM Building, Bilaspur Chhattisgarh 495004.
- 3** - Chief Personnel Officer GM Office Complex, South East Central Railway, Bilaspur, Chhattisgarh 495004.
- 4** - Sr. Divisional Personnel Officer South East Central Railway Bilaspur, Chhattisgarh 495004.

... Petitioners

versus

- 1** - Rakesh Kumar Rathore S/o Shri Parmanand Rathore Aged About 45 Years Presently Working As Loco Pilot / SECR/ BSP, R/o 27 Kholi, Vikash Nagar, Near Hanuman Mandir, Bilaspur Chhattisgarh 495001.
- 2** - Kripa Shankar Mishra S/o Shri Keshav Prasad Mishra Aged About 45 Years Presently Working As Loco Pilot (Goods) / SECR/BSP, R/o 146/30 Vijay Nagar, Deori Khurd Bilaspur Chhattisgarh 495001.

3 - Ashok Kumar S/o Shri Sahadev Aged About 45 Years Presently Working As Loco Pilot Goods/ SECR/BSP, R/o Galaxy Enclave, Shivaji Marg Tikrapara, Bilaspur Chhattisgarh 495001.

4 - Lal Singh S/o Late Bhagirath Aged About 48 Years Presently Working As Loco Pilot Goods/SECR/BSP, R/o Rail Vihar Colony, Satbahaniya Road, Deori Khurd, Bilaspur Chhattisgarh 495001.

5 - Ranjeet Singh S/o Shri N.R. Singh Aged About 47 Years Presently Working As Loco Pilot Goods/SECR/BSP, R/o LIG-70 Housing Board Colony, Deori Khurd Bilaspur Chhattisgarh.

6 - G.S. Dubey S/o Shri Keshav Das Dubey Aged About 47 Years Presently Working As Loco Pilot Goods/SECR/BSP, R/o LIG- 73 Housing Board Colony, Deori Khurd Bilaspur Chhattisgarh. 495001.

7 - Y.P. Singh S/o Late Hari Ram Aged About 45 Years Presently Working As Loco Pilot Goods/SECR/BSP, R/o Galaxy Enclave, Shivaji Marg Tikrapara, Bilaspur Chhattisgarh 495001.

8 - Vinod Nair S/o Late M.S. Nair Aged About 45 Years Presently Working As Loco Pilot Goods/SECR/BSP, R/o Mig B - 55, Chandela Nagar, Ring Road No. 2, Bilaspur Chhattisgarh 495001.

9 - Rajesh Pratap Singh S/o Late Rajdhar Singh Aged About 45 Years Presently Working As Loco Pilot Goods/SECR/BSP, R/o LIG- 189 Housing Board Colony, Deori Khurd Bilaspur Chhattisgarh. 495001

10 - Bidhan Chandra Roy S/o Shri Tarkeshwar Roy Aged About 42 Years Presently Working As Loco Pilot Goods/SECR/BSP, R/o Hindustan Tent House, Hemu Nagar, Bilaspur Chhattisgarh 495001.

... Respondents

For Petitioners	:	Mr. Palash Tiwari, Advocate.
For Respondents	:	Mr. AV Shridhar, Advocate.

Hon'ble Smt. Justice Rajani Dubey

Hon'ble Shri Justice Amitendra Kishore Prasad, JJ

Order on Board

(09th December, 2025)

Per Rajani Dubey, J

In this petition, the petitioners challenge the order dated 15.10.2024 passed by learned Central Administrative Tribunal (CAT), Jabalpur Bench, Circuit Sitting at Bilaspur (CG) in OA No.203/717/2016 thereby directing the petitioners to grant benefit of MACP upgradation to all the respondents within three months from the date of receipt of copy of the order.

02. Case of the petitioners, in brief, is that the Modified Assured Career Progression (MACP) Scheme was introduced to address stagnation in career advancement by providing financial up-gradation after 10, 20, and 30 years of service, subject to certain conditions. The Petitioners (SECR) on 24.06.2009 published Estt Rule No. 138/2009 reproducing the Railways Boards guidelines with regard to MACP Scheme, which states the instructions regarding the criteria for financial up gradation under the scheme (Annexure P/2). It would be pertinent to mention at this juncture that with regard to MACP Scheme, the promotional hierarchy in the category of Loco Pilots, the following grades are:

Assistant Loco Pilot-II (GP Rs. 1900)

Assistant Loco Pilot-I (GP Rs. 2400)

Loco Pilot Shunter -II (GP Rs. 2400)

Loco Pilot Shunter -I (GP Rs. 4200)

Loco Pilot Goods -II (GP Rs. 4200)

03. The respondents commencing their career as an Assistant Loco Pilot (ALP) and progressing to the highest grade of Mail/Express Pilot undergo

six promotions (both functional and non-functional), including two higher promotional grades under the VIth CPC pay structure, namely GP-2400 and GP-4200. An ALP promoted to the position of Loco Pilot Goods (LPG), bypassing the Shunter Grade in accordance with Establishment Rule No. 174/2011 is considered to have earned two promotions upon reaching the distinct grade of GP-4200. The respondents, serving as Loco Pilot Goods (LPG-II) under the petitioners, have already availed two career up-gradations, first as Senior Assistant Loco Pilot and subsequently as Loco Pilot Goods, both within the same Grade Pay of Rs. 4200. When the respondents completed 10 years of service as Loco Pilot Goods, they were awarded financial benefits under the MACP Scheme vide this office order No. DPB/960/2016 dated 30.08.2016 (Annexure P/4). Despite having availed two financial upgradations during their career, the respondents have nevertheless submitted an application seeking benefits under the MACP Scheme.

04. The petitioners, after thoroughly examining the provisions of the MACP Scheme and assessing the respondents' career progression, rejected their application for further financial up-gradation as the respondent did not meet the requisite criteria. Being aggrieved, the respondents challenged the same before learned CAT and the Tribunal by the impugned order dated 15.10.2024. (Annexure P/1), without appreciating the defence of the petitioners that the respondents were not eligible for further financial up-gradation under the MACP Scheme, allowed the original application and directed them to grant benefit of MACP upgradation to all the respondents within three months. Hence this petition.

05. Learned counsel for the petitioners submits that the impugned order passed by the Tribunal is arbitrary, illegal and contrary to the law applicable to

the facts and circumstances of the case. The learned Tribunal ignored the fact that on implementation of 6th CPC pay structure certain grades/posts of Loco Pilots category has been allowed same grade pay which is clear from the following comparative chart:

5 th CPC		6 th CPC		
Designation	Pay Scale	Designation	Pay Scale	Grade Pay
Asst. Loco Pilot	3050-4590	Asst. Loco Pilot	5200-20200, PB-1	1900/-
Sr. Asst. Loco Pilot	4000-6000	Sr. Asst. Loco Pilot	PB-1, 5200-20200	2400/-
Loco Pilot Shunting	4000-6000	Loco Pilot Shunting GR-II	PB-1, 5200-20200	2400/-
Sr. Loco Pilot Shunting	5000-8000	Loco Pilot Shunting GR-I	PB-2, 9300-34800	4200/-
Loco Pilot Goods GR-II (Loco Pilot Goods)	5000-8000	Loco Pilot Goods	PB-2, 9300-34800	4200/-
Loco Pilot Goods GR-I (Loco Pilot Goods)	5500-9000			
Loco Pilot (Passenger) GR-II	5500-9000	Loco Pilot Passenger	PB-2, 9300-34800, Additional Allowance 500/-	4200/-
Sr. Loco Pilot (Passenger) GR-I	6000-9800			
Loco Pilot Mail/Express	6000-9800	Loco Pilot Mail/Express	PB-2,9300-34800, Additional Allowance 1000/-	4200/-

A bare perusal of the above table would reveal that a person borne in the cadre and starting his career as an Asstt. Loco Pilot till he reaches the

highest grade of Mail/Express Pilot, would have earned 6 promotions (including functional and non-functional both) involving two higher promotional grades under 6th CPC pay structure i.e. GP-2400 and GP-4200. An ALP who is promoted to the post of LPG by-passing Shunter Grade Estt.Rule No.174/2011, (Annexure P/3) shall be deemed to have earned two promotions until he is placed in the common but distinct grade of GP-4200, where after, further promotions to the post of LPP and LPM/E in the hierarchy of promotion to be made in the same grade pay of Rs.4200/-. Thus, under 6th CPC, except the promotions made under 5th CPC to categories of Loco-Pilot Goods Gr-I and Gr-II and Loco Pilot Passenger Gr-I and Gr-II the pay-scales of which categories have been merged and which are also not distinct grade in their cadre hierarchy, the promotions earned to the rest of the grades/posts of Loco Pilot in broad Category (i.e. from ALP to Sr. ALP and then to LPS Gr-I and from LPS Gr-II to Gr-1 and then from LPS Gr-II to LPG, from LPG to LPP and then from LPP to LPM/E) have not been merged but has been retained as distinct grades/ posts in their promotional hierarchy though carrying the same grade pay as Per Recruitment Rules for the cadre, are to be counted for the purpose of MACP. Only those LPGs who are promoted from the post ALP bypassing the post of Shunter are eligible for MACP. Evidently, the case of Loco Pilot Category is covered with para 8 relating to such cadre where promotional posts has been retained as distinct grade of cadre as that of their promotional hierarchy.

06. Learned counsel for the petitioners contends that in the instant case, the respondents who were appointed as Assistant Loco Pilot in the year 1995 in Loco Running Category and got up-gradation to the post of Sr. AED in the year 2004 and thereafter, were promoted to the post of Loco Pilot Goods in

the Grade Pay 4200/- in the year 2005 in Loco Running Category, have earned two promotions/up-gradations in their service career up to Loco Pilot Goods. Hence, they could be and have been considered for 3rd financial upgradation to the same Grade Pay of Rs.4200/- in PB-2 in terms of Board's letter dtd. 13.12.2012 (Annexure R/1) and increase in pay by 3 percent as is applicable in normal promotions. As such, as per Estt Rule No. 174/2011 those ALPs who were promoted as LPG bypassing Shunter post should be treated as having earned two promotions and thus they are eligible for 3rd MACP. Accordingly Sri Rakesh Kumar Rathore and others those who have completed 10 years services as LPG awarded financial benefit under MACP scheme vide this office order No.DPB/960/2016 Dated 30.08.2016 (Annexure P/4), from the date of completion of 10 years services as LPG. Since the respondents have already availed two financial up-gradations in their career and the MACP Scheme, allows financial up-gradation only three times in the said career, i.e after first after 10 years, second after 20 years and third after 30 years of service, in case of no promotion, the respondents having been benefited twice, are not eligible for any further up-gradation. He submits that MACP Scheme provides financial benefits based on the Grade Pay Hierarchy rather than the Promotional Hierarchy. The Grade Pay Hierarchy applies uniformly to all employees, while the promotional hierarchy varies across departments. Granting financial up-gradation based on the promotional hierarchy would cause discrepancies among employees from different cadres. The petitioners strictly followed the provisions of the MACP Scheme and Railway Board guidelines while rejecting the respondents' application. However, the learned Tribunal failed to appreciate that the petitioners acted strictly in accordance with law.

07. Learned counsel for the petitioners further submits that the learned Tribunal wrongly interpreted para 8 of the MACP Scheme which states that if a promotion occurs within the same grade pay, it should still be counted as a promotion for MACP purposes. Since MACP scheme itself recognized promotion within the same grade pay, the Tribunal's reasoning is flawed. Learned Tribunal also erred in applying para 5 of the MACP scheme which states that promotions/upgradations granted in pay scales that were later merged under the 6th CPC should be ignored for MACP benefits. Para 5 has been misapplied and the respondents cannot claim MACP benefits by disregarding their promotions. Therefore, the impugned order of learned Tribunal is liable to be set aside.

Reliance has been placed on the decision of the Hon'ble Supreme Court in the matter of ***Union of India Vs. MV Mohanan Nair, (2020) 5 SCC 421.***

08. On the other hand, learned counsel for the respondents supporting the impugned order submits that the learned Tribunal minutely appreciated all the documents and material on record and also observed the guidelines in similar matters of the High Courts of Allahabad and Madhya Pradesh and rightly allowed the application of the respondents. The other High Courts also passed similar orders and against the order passed by the High Court of Kerala, the petitioners filed SLP (Civil) No.56154/2025 before the Hon'ble Supreme Court which was dismissed on 17.10.2025. Thereafter, the Divisional Office, Thiruvananthapuram, complied with the order passed by the High Court of Kerala and issued a Memorandum dated 22.10.2025. Therefore, the present petition is without any merits and is liable to be dismissed.

Reliance is placed on the judgment dated 20.11.2015 of the High Court of MP in WP No.13031/2013 in the matter of UOI Vs. K. Bhaskaran and other connected petitions; order dated 19.7.2013 of High Court of Allahabad in Writ A No.18244/2013 in the matter of UOI Vs. CAT and others; the judgment dated 12.11.2024 passed in OP (CAT) No.548/2013 in the matter of UOI Vs. Pankajakshan M. and others and other connected petitions. He also referred to the order dated 17.10.2025 passed in SLP (Civil) No.56154/2025 by the Hon'ble Supreme Court and the Memorandum dated 22.10.2025 issued by the Southern Railway, Divisional Office, Thiruvananthapuram.

09. Heard learned counsel for the parties and perused the material available on record.

10. The High Court of MP in a similar matter i.e. **WP No.13031/2013, UOI Vs. K. Bhaskaran** and other connected petitions (supra), observed in paras 7 to 10 as under:

"7: For the purpose of convenience, we are required to examine the MACPS. Rightly the provisions of paras 5 and 8 of MACPS have been interpreted and noted down by the Tribunal. However, for the purposes of convenience, the same are reproduced hereunder :-

"5. 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 Commission shall be ignored for the purpose of granting upgradations under Modified ACPS.

The pre-revised hierarchy (in ascending order) in a particular organization was as under :-

Rs.5000-8000, Rs.5500-9000 & Rs.6500-10500.

(a) A Government servant who was recruited in the hierarchy in the pre-revised pay scale Rs. 5000-8000 and who did not get a promotion even after 25 years of service prior to 1.1.2006, in his case as on 1.1.2006 he would have got two financial

upgradations under ACP to the next grades in the hierarchy of his organization, i.e., to the pre-revised scales of Rs.5500-9000 and Rs.6500-10500.

(b) Another Government servant recruited in the same hierarchy in the pre-revised scale of Rs.5000-8000 has also completed about 25 years of service, but he got two promotions to the next higher grades of Rs.5500-9000 & Rs.6500-10500 during this period.

In the case of both (a) and (b) above, the promotions/financial upgradations granted under ACP to the pre-revised scales of Rs.5500-9000 and Rs.6500-10500 prior to 1.1.2006 will be ignored on account of merger of the pre-revised scales of Rs.5000-8000, Rs.5500-9000 and Rs.6500-10500 recommended by the Sixth CPC. As per CCS (RP) Rules, both of them will be granted grade pay of Rs.4200 in the pay band PB-2. After the implementation of MACPS, two financial upgradations will be granted both in the case of (a) and (b) above to the next higher grade pays of Rs.4600 and Rs.4800 in the pay band PB-2.

8. Promotions earned in the post carrying same grade pay in the promotional hierarchy as per Recruitment Rules shall be counted for the purpose of MACPS.

8.1 Consequent upon the implementation of Sixth CPC's recommendations, grade pay of Rs.5400 is now in two pay bands viz., PB-2 and PB-3. The grade pay of Rs.5400 in PB-2 and Rs.5400 in PB-3 shall be treated as separate grade pays for the purpose of grant of upgradations under MACP Scheme."

8: The Tribunal in its order has quoted the aforesaid provision, has taken note of the fact that the same is interpreted by Ernakulam Bench of the CAT in Kerala and has held that in the given circumstances, the persons like respondent (applicant before the Tribunal) would be entitled to the benefit of MACPS. The Ernakulam Bench of CAT has considered these aspects in order dated 22.2.2012 passed in Original Application No.484/2011 and other analogous Original Applications in paragraph 14 onwards, which for the purpose of convenience are reproduced hereunder :-

"14. At the very outset, it is to be made clear that the above two provisions may appear to be conflicting with each other whereas, it is not so. Even if these are conflicting, what is expected is to read them harmoniously without making any of them otiose or unworkable. This is the settled law of interpretation, as held by the Apex Court in the case of Bhakra Beas Management Board

Vs. Krishan Kumar VII (2010) 8 SCC 701, wherein the Apex Court has observed as under :-

32. It has been stated by Lord Dunedin in *Murray v. IRC* AC that:

"...It is our duty to make what we can of statutes, knowing that they are meant to be operative and not inept, and nothing short of impossibility should in my judgment allow a Judge to declare a statute unworkable."

15. Continuing further, the Apex Court also has observed that while interpreting the provisions of any law, such interpretation should be to secure the object. Thus, observed the Apex Court -

The principle was reiterated by him in a later judgment in *Whitney v. IRC*, AC at where he observed:

"A statute is designed to be workable and the interpretation thereof by a court should be to secure that object, unless crucial omission or clear direction makes that end unattainable."

16. Consolidating the above, the Apex Court then observed -

33. The aforesaid observations make it abundantly clear that the courts will, therefore, reject the construction which is likely to defeat the plain intention of the legislature even though there may be some inexactitude in the language used. If the choice is between two interpretations, the narrower of which would fail to achieve the manifest purpose of the legislation should be avoided. In view of this, to attain the fruitful results of the 1990 Order we have to give it a meaningful and proper construction which would achieve the object for which it was passed, rather than to give a narrower construction which may defeat the very purpose of passing the said order."

17. Now, the purpose of financial upgradation as contained in the original ACP Scheme or for that matter in the modified ACP Scheme is to afford additional financial benefits when no promotions are possible. Again, yet another law of service jurisprudence in matter of pay, as held by the Apex Court in the case of *Gurcharan Singh Grewal Vs. Punjab State Electricity Board* (2009) 3 SCC 94 is "a senior cannot be paid a lesser salary than his junior."

18. It is with the above broad principles of interpretation that the two provisions i.e. para 5 and para 8 of the scheme are to be interpreted. Para 5 talks of promotions granted in the past to some posts the pay scales of which have since been merged and the said para requires that such promotions granted should be ignored for the purpose of MACP. Para 8, on the other hand states that if there be two posts carrying the same grade pay and one is the promotional post of the other, and if promotion to such post takes place, the same shall be taken into account for the

purpose of MACP. There may be a seeming conflict between the two provisions, whereas, it is not so. The difference in the two is that para 5 applies to a situation where there is merger of two or more pay scales, while such a merger is not there in respect of the pay scales of promotional post and the feeder posts in respect of para 8. The two provisions are in fact functioning in two different planes and are compatible.

19. The underlying reason in such provisions (a) to ignore the promotions granted when the two or more pay scales have been merged vide para 5 of the Scheme (b) but to take into account the promotions even if grade pay is the same in respect of two promotions vide para 8 is not far from comprehension.

20. Where there is a merger of pay scales in future cases, promotion from the feeder grade would be only in the merged pay scale which would constitute only one promotion making eligible the persons for one or two MACPS thereafter, whereas, for the past cases, unless the promotions are ignored, the same would account for two or more promotions which would disentitle them from the benefit of MACP. In so far as the other case referred to in para 8 of the scheme, there being no merger of pay scales, be it the past promotion or future promotion, entitlement or otherwise to MACP would be identical. If the promotions are to be accounted for in respect of merged posts whose pay scales have been merged into a single one then, such a situation would result in a calamitous disparity in the pay of the seniors and juniors (juniors getting more pay than the seniors). And as held in the case of Gurcharan Singh Grewal (supra) such a situation cannot be allowed to permeate.

21. The respondents were right when they had earlier granted MACP to the applicants ignoring the promotions granted earlier as such promotions fell under the provisions of para 5 of the scheme. It is only due to the erroneous clarification issued by the CPO that the respondents have taken action for recovery of alleged excess payment. We render our finding here that the applicants are all entitled to the MACP already awarded and withdrawal of the same and effecting recovery on account of the withdrawal are thoroughly illegal and unjust."

9: Though the said order was called in question in a writ petition before the Kerala High Court and an interim stay has been granted, yet the fact remains that the very same analogy was made applicable by the CAT Allahabad Bench in Original Application No.1241/2011. The said order of Allahabad Bench of the Tribunal was called in question before the Division Bench of High Court of Allahabad in WP-A. No.18244/2013 by the Railways, which petition has been dismissed vide order dated 19.7.2013 as has been placed on record by the respondent along with his return as Annx.R/1. The Division Bench of Allahabad High Court

has considered these aspects as also the question whether the movement of a senior Goods Guards to the post of Passenger Guard is a promotion or not. Dealing with the aforesaid question, the Division Bench of Allahabad High Court has recorded the reasons which reads thus :-

"Therefore, the sole question to be decided in this writ petition is as to whether the movement of a Senior Goods Guard to the post of Passenger Goods Guard is a promotion or not. If it is not a promotion, the private respondents will be entitled to the benefits of MACPS.

The above question appears to have been set at rest by judicial pronouncement. A copy of the judgment and order passed by the Central Administrative Tribunal, Allahabad Bench in Original Application No.1268 of 2004 disposed of on 1 February, 2006 (Mithilesh Kumar and others Vs. Union of India and others) was produced before the Court for perusal. In the said judgment, the Tribunal specifically held that movement of Senior Goods Guard whose pay scale is 5000-8000 when posted as Passenger Guards will be only lateral induction and not exactly a promotion. While holding thus, two judgments of Calcutta Bench of the Tribunal had been relied upon by Allahabad Bench of the Central Administrative Tribunal. There is no dispute that in a similar matter filed by A. Haldhar and 37 others, the Tribunal passed a similar order and the same was challenged before this Court by the Railways in Civil Misc. Writ Petition No.51293 of 2006. The writ petition was dismissed on 15.9.2006 and the Railways preferred an appeal before the Supreme Court vide Special Leave to Appeal (Civil) No.26787 of 2008. The said Special Leave Appeal was also rejected on 7.12.2011. Therefore, the law has been settled to the effect that movement of a senior Goods Guard to the post of Passenger Guard is not a promotion and is a lateral induction.

Undisputedly, the Senior Goods Guards and Passenger Guards were in the same scale of pay i.e. 5000-8000. Vide Board's Letter dated 11.9.2008, two categories of Passenger Guard and Senior Passenger Guard (5500-9000) have been merged and allotted Grade Pay of Rs.2400/- in Pay Band-II (RBE-108/2008). Whereas, earlier the post of Senior Passenger Guard was a promotional post for Passenger Guards. So far as the private respondents are concerned, undisputedly, they were initially recruited as Guard and received one financial upgradation i.e. from 2800 to 4200 (earlier grade pay assigned for both Senior Goods Guard/Passenger Guard) when they moved from the entry level of Goods Guard to the next higher post of either Senior Goods Guard or Passenger Guard. There was no further promotion so far as the private respondents are concerned. Since it has already been held by judicial pronouncement that the post of Senior Goods Guard and Passenger Guard have the same grade of pay and movement of

a Senior Goods Guard to the post of Passenger Guard, is only a lateral induction and not a promotion, all the private respondents would be taken to have got only one financial upgradation and as per MACPS, they were entitled to two more financial upgradations. This is exactly what has been held by the Ernakulam Bench of the Central Administrative Tribunal in a batch of original applications, which was relied upon by the Tribunal in the impugned judgment.

For the reasons stated above, we find no justification to interfere with the impugned order of the Tribunal. The writ petition is accordingly dismissed."

10: We have no hesitation in accepting the aforesaid reasonings of the Division Bench of Allahabad High Court, for the simple reason that a categorical statement should have been made in that respect by the petitioners herein that in fact persons like respondent were granted the benefit of promotion in terms of the Regulations or Rules made by the petitioners in due course of time including the financial benefits and upgradation. Secondly, merely because of the merger of the pay scales any movement of Senior Goods Guard to the post of Passenger Guard was not to be treated as a promotion unless otherwise provided under the Service Rules. If it was a promotion, in what manner such consideration was done and whether that was granted to the persons like respondent in due course of employment in terms of those Regulations or not, was required to be proved by the petitioners. Nothing in that respect has been produced before the Tribunal. A bald statement that the MACPS would not be applicable in case of persons like respondent is not enough since it is required to be demonstrated by the petitioners themselves that the said MACPS is made for a specific purpose and for specific class of employees who have remained in stagnation in the matter of promotion for a long time. Broadly interpreting the provisions of paragraph 5 and 8 of the aforesaid MACPS, we are of the considered opinion that no error of law was committed by the Tribunal in making the said Scheme applicable for the persons like respondent. However, since certain facts were not clarified by the petitioners before the Tribunal, that opportunity to conduct an enquiry in that respect and to examine the cases of each and every individual separately was granted by the Tribunal by the impugned order. We are of the considered opinion that even such an opportunity

was not required to be granted to the petitioners in view of the fact that though petitioners being employer were having all the information in respect of so-called promotion of respondent, the said information was not produced before the Tribunal in adequate manner. However, we are not inclined to interfere in the order of the Tribunal only and are not willing to disturb the said liberty granted by the Tribunal for the reason the said aspect is not called in question by the respondent before us.”

11. The High Court of MP while deciding the above issue relied upon the order dated 19.7.2013 passed by the High Court of Allahabad in WP-A No.18244/2013 (supra).

12. Learned Tribunal observing the guidelines of the High Courts of Allahabad and Madhya Pradesh held in paras 6 & 7 of the impugned order as under:

“6. The Division Bench of Hon'ble High Court of Allahabad in W.P-A No.18244/2013 has considered these aspects as also the question whether the movement of a senior Goods Guards to the post of Passenger Guard is a promotion or not. Allahabad High Court has recorded the reasons and held that movement of a Senior Goods Guard to the post of Passenger Guard is not a promotion and is a lateral induction. The same principle was accepted by Hon'ble High Court of Madhya Pradesh in K. Bhaskaran's case (supra).

7. In view of the above facts and circumstances of the case, we are of the view that this case is squarely covered by the ratio decided by Division Bench of Allahabad High Court and Madhya Pradesh High Court (supra).”

13. It is also clear from the order dated 17.10.2025 passed by the Hon'ble Supreme Court that the petitioners filed SLP against the order passed by the High Court of Kerala which was dismissed by the Hon'ble Apex Court and thereafter, the Divisional Office, Thiruvananthapuram of Southern Railway,

complied with the order passed by the High Court of Kerala and issued a Memorandum dated 22.10.2025.

14. On the basis of aforesaid discussions, we find no illegality or infirmity in the impugned order of the learned Tribunal warranting any interference by this Court. The present petition being without any merits is liable to be dismissed and is, accordingly, dismissed.

**Sd/
(Rajani Dubey)
Judge**

**Sd/
(Amitendra Kishore Prasad)
Judge**