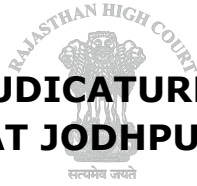


**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**



D.B. Civil Writ Petition No. 14254/2025
CNR: RJHC010660512025 | URN: CW / 25743U / 2025

1. Union Of India, Through General Manager, Hq Office, North Western Railway, Malviya Nagar, Near Jawahar Circle, Jaipur-17.
2. Senior Divisional Personnel Officer, North-West Railway, Bikaner Division, Bikaner.
3. Divisional Railway Manager, North-West Railway, Bikaner Division, Bikaner.

-----Petitioners

Versus

Ashok Kumar Sharma S/o Sh. J.n. Sharma, Aged About 60 Years, A-60, Karni Nagar, Near Bikaner Nursing Home, Bikaner-334001, Last Employed On The Post Of Mail/ex Guard, Bikaner, Nwr.

-----Respondent

Connected With

D.B. Civil Writ Petition No. 19193/2024
CNR: RJHC010887592024 | URN: CW / 36843U / 2024

1. Union Of India, Through General Manager, Hq Office, North Western Railway, Malviya Nagar, Near Jawahar Circle, Jaipur-17.
2. Senior Divisional Personnel Officer, North-West Railway, Bikaner Division, Bikaner.
3. Divisional Railway Manager, North-West Railway, Bikaner Division, Bikaner.

-----Petitioners

Versus

1. Jai Karan Chaudhary S/o Shri Mali Ram, Aged About 66 Years, Last Employed On The Post Of Mail/ex/a Spl Guard, In The Office Of Station Superintendent, Bikaner, Nwr.
2. Dharma Chand S/o Shri Nanka Ram, Aged About 66 Years, Last Employed On The Post Of Mail/ex/a Spl Guard, In The Office Of Station Superintendent, Rewari, Nwr.
3. Smt Dhansi W/o Late Shri Shiv Ram Meena, Aged About 48 Years, Her Late Husband Was Last Employed On The Post Of Mail/ex/a Spl Guard, In The Office Of Station Superintendent, Bikaner, Nwr.
4. Radha Kishan S/o Shri Teja Ram, Aged About 63 Years, Last Employed On The Post Of Mail/ex/a Spl Guard, In The Office Of Station Superintendent, Churu, Nwr.
5. R. K. Mudgal S/o Shri Hukam Chand, Aged About 64 Years, Last Employed On The Post Of Pass Guard, In The Office Of Station Superintendent, Bikaner, Nwr. C/o Shri P K Behal R/o Behind Raniwas, In Front Of Food Line, Mittal

Studio Street, Rani Bazar, Nursing Home, Bikaner.

----Respondents

D.B. Civil Writ Petition No. 19211/2024

CNR: RJHC010887512024 | URN: CW / 36889U / 2024

1. Union Of India, Through General Manager, Hq Office, North Western Railway, Malviya Nagar, Jawahar Circle, Jaipur-17.
2. Senior Divisional Personnel Officer, North West Railway, Bikaner Division, Bikaner.
3. Divisional Railway Manager, North West Railway, Bikaner Division, Bikaner.

----Petitioners

Versus

1. Bhagwan Singh Meena S/o Shri Mangya Ram Meena, Aged About 61 Years, Last Employed On The Post Of Mail/ex Guard, In The Office Of Station Superintendent, Rewari, Nwr.
2. Kk Saxena S/o Shri Kl Verma, Aged About 59 Years, Employed On The Post Of Mail/ex Guard, In The Office Of Station Superintendent, Rewari Nwr.
3. Tilak Ram S/o Shri Tara Chand, Aged About 60 Years, Last Employed On The Post Of Mail/ex Guard, In The Office Of Station Superintendent, Rewari Nwr.
4. Ishwar Singh S/o Shri Umrao Singh, Aged About 57 Years, Last Employed On The Post Of Mail/ex Guard, In The Office Of Station Superintendent, Rewari Nwr.
5. Brij Kishore Sharma S/o Ramji Lal, Aged About 54 Years, Last Employed On The Post Of Mail/ex Guard, In The Office Of Station Superintendent, Rewari Nwr.
6. Ajit Singh S/o Shri Desh Raj, Aged About 59 Years, Last Employed On The Post Of Mail/ex Guard, In The Office Of Station Superintendent, Rewari Nwr.
7. Rajveer Singh, Through-
8. Pradeep Kumar Sharma Father/o Shri Kedar Nath, Aged About 62 Years, Last Employed On The Post Of Pass Guard, In The Office Of Station Superintendent, Rewari, Nwr.
9. Vishnu Bhagwan S/o Shri Mangal Ram Sharma, Aged About 58 Years, At Present Employed On The Post Of Pass Guard, In The Office Of Station Superintendent, Rewari, Nwr.
10. Anil Kumar Verun Father/o Shri Ram Chander, Aged About 50 Years, At Present Employed On The Post Of Pass Guard, In The Office Of Station Superintendent, Rewari, Nwr.
11. Vijay Kumar Ladwai S/o Shri Ks Lodwal, Aged About 47 Years, At Present Employed On The Post Of Pass Guard,

In The Office Of Station Superintendent, Rewari, Nwr.

12. Atar Singh S/o Shri Bahadur Singh, Aged About 58 Years, At Present Employed On The Post Of Pass Guard, In The Office Of Station Superintendent, Rewari, Nwr.
13. Smt. Bhagwati Devi W/o Late Rajveer Singh, Aged About 61 Years, Burj Mauji, Hathras, Uttar Pradesh 381307, Her Husband Retired From The Post Of Mail/ex Guard, In The Office Of Station Superintendent, Rewari Nwr.

----Respondents

D.B. Civil Writ Petition No. 19798/2024

CNR: RJHC010916012024 | URN: CW / 38002U / 2024

1. Union Of India, Through General Manager, Hq Office, North Western Railway, Malviya Nagar, Near Jawahar Circle, Jaipur-17.
2. Senior Divisional Personnel Officer, North-West Railway, Jodhpur Division, Jodhpur.

----Petitioners

Versus

1. Radhey Shyam Meena S/o Shri Sampat Ram Meena, Aged About 54 Years, At Present Employed On The Post Of Mail/ex Guard, Jodhpur, Nwr.
2. Bhabhoot Nath S/o Shri Jawan Nath, Aged About 60 Years, At Present Employed On The Post Of Mail/exp Guard, Jodhpur, Nwr.
3. Shanti Lal Dave S/o Shri Narayan Dutt, Aged About 55 Years, Employed On The Post Of Mail/ex Guard, Jodhpur, Nwr.
4. Pradeep Bhargava S/o Shri Trilok Nath, Aged About 51 Years, Employed On The Post Of Mail/ex Guard, Jodhpur, Nwr.
5. Sadhu Ram Meena S/o Shri Ram Dayal Meena, Aged About 59 Years, Last Employed On The Post Of Mail/ex Guard, Jodhpur, Nwr.
6. Jokhan Prasad S/o Shri Ram Sunder, Aged About 61 Years, Last Employed On The Post Of Mail/ex Guard, Jodhpur, Nwr.
7. Saleem Khan S/o Shri Moley Khan, Aged About 50 Years, At Present Employed On The Post Of Pass Guard, Jodhpur, Nwr.
8. Haribhajan Meena S/o Shri Nanak Ram, Aged About 55 Years, Employed On The Post Of Mail/ex Guard, Jodhpur, Nwr.
9. Chokha Ram Chaudhary S/o Shri Ugra Ram, Aged About 52 Years, Employed On The Post Of Mail/ex Guard, Jodhpur, Nwr.
10. Omkar S/o Shri Munshi Lal, Aged About 53 Years, At Present On The Post Of Pass Guard, Jodhpur, Nwr.

11. Ram Pratap Meena S/o Shri Punia Ram Meena, Aged About 59 Years, Employed On The Post Of Pass Guard, Jodhpur, Nwr. Address For Correspondence- S/o Pradeep Bhargava S/o Shri Trilok Nath, R/o 68, Trilok Sadan, Ram Krishan Nagar, Near Jhalamand Circle, Pali Road, Jodhpur.

----Respondents

D.B. Civil Writ Petition No. 19817/2024

CNR: RJHC010916312024 | URN: CW / 38026U / 2024

1. Union Of India, Through General Manager, Hq Office, North Western Railway, Malviya Nagar, Near Jawahar Circle, Jaipur-17.
2. Senior Divisional Personnel Officer, North-West Railway, Jodhpur Division, Jodhpur.

----Petitioners

Versus

1. Gajendra Singh Sisodia S/o Shri Daulat Singh, Aged About 60 Years, Last Employed On The Post Of Mail/ex Guard, Jodhpur, Nwr.
2. Surja Ram Mehra S/o Sh. Pusha Ram, Aged About 60 Years, Last Employed On The Post Of Mail/ex Guard, Jodhpur, Nwr.
3. Khushi Ram Meena S/o Sh. Hari Chand, Aged About 55 Years, At Present Employed On The Post Of Mail/ex Guard, Jodhpur, Nwr.
4. Baktawar Singh Chaudhary S/o Sh. Sukhiya, Aged About 57 Years, At Present Employed On The Post Of Mail/ex Guard, Jodhpur, Nwr.
5. Bansi Lal Lakhani S/o Sh. Chetan Ram, Aged About 53 Years, Employed On The Post Of Mail/ex Guard, Jodhpur, Nwr.
6. Manohar Lal S/o Sh. Sewak Ram, Aged About 57 Years, At Present Employed On The Post Of Mail/ex Guard, Jodhpur, Nwr.
7. Narendra Thanvi S/o Sh. Balkishan Thanvi, Aged About 52 Years, Employed On The Post Of Sr Goods Guard, Jodhpur, Nwr.
8. Narendra Gandhi S/o Sh. Bhanwar Lal, Aged About 52 Years, Employed On The Post Of Mail/ex Guard, Jodhpur, Nwr.
9. Vinay Kumar Saxena S/o Sh. Virendra Kumar, Aged About 54 Years, Employed On The Post Of Pass Guard, Jodhpur, Nwr.
10. Shiv Dayal S/o Sh. Sultan Ram, Aged About 55 Years, At Present Employed On The Post Of Mail/ex Guard, Jodhpur, Nwr.
11. Binod Pandey S/o Sh. Laxmi Narayan, Aged About 55 Years, At Present Employed On The Post Of Pass Guard,

Jodhpur, Nwr.

12. Rahul Mishra S/o Sh. Laxman Prasad, Aged About 60 Years, Last Employed On The Post Of Pass Guard, Jodhpur, Nwr. Address For Correspondence- C/o Mahohar Lal S/o Sh. Sewak Ram, R/o Gali No. 1, Kalal Colony, Inside Nagauri Gate, Fort Road, Jodhpur.

----Respondents

D.B. Civil Writ Petition No. 19885/2024

CNR: RJHC010915992024 | URN: CW / 38120U / 2024

1. Union Of India, Through General Manager, Hq Office, North Western Railway, Malviya Nagar, Near Jawahar Circle, Jaipur-17.
2. Senior Divisional Personnel Officer, North-West Railway, Jodhpur Division, Jodhpur.
3. Financial Advisor And Chief Accounts Officers, General Manager Office Hq North-Western Railway, Malviya Nagar, Near Jawahar Circle, Jaipur-17.

----Petitioners

Versus

Pane Soren S/o Late Shri Jibu Soren, Aged About 63 Years, Resident Of C-502, Saraswati Nagar, Basni First Phase, Jodhpur, Last Employed On The Post Of Mail/ex Guard, In The Post Of Station Superintendent, Jodhpur, Nwr.

----Respondent

D.B. Civil Writ Petition No. 20378/2024

CNR: RJHC010940502024 | URN: CW / 39037U / 2024

1. Union Of India, Through General Manager, Hq Office, North Western Railway, Malviya Nagar, Near Jawahar Circle, Jaipur-17
2. Senior Divisional Personnel Officer, North-West Railway, Jodhpur Division Jodhpur.

----Petitioners

Versus

1. Chandra Mohan Singh S/o Shri Moti Lal, Aged About 63 Years, Resident Of Plot No. 3, Tribhawan Nath Ji Ka Bangla, Behind Mahamandir Railway Station, Jodhpur, Last Employed On The Post Of Mail/ex Guard, In The Office Of Station Superintendent, Jodhpur, Nwr.
2. Hari Singh S/o Shri Chhaju Ram, Resident Of Village Addi, Post Office Kashod,a District Bharatpur (Rajasthan), Last Employed On The Post Of Mail / Ex/a Spl Guard, In The Office Of Station Superintendent, Jodhpur, Nwr.

----Respondents

D.B. Civil Writ Petition No. 107/2025

CNR: RJHC011022992024 | URN: CW / 206U / 2025

1. Union Of India, Through General Manager, Hq Office,

North Western Railway, Malviya Nagar, Near Jawahar Circle, Jaipur-17.

2. Senior Divisional Personnel Officer, North-West Railway, Jodhpur Division, Jodhpur.
3. The Secretary To Govt. Of India, Ministry Of Personnel Public Grievances And Persons, Department Of Personnel And Training, North Block, New Delhi- 110001.

-----Petitioners

Versus

Deepak Gehlot S/o Late Shri Mohan Singh Gehlot, Aged About 47 Years, Resident Of Plot No. 4, Nar Singh Colony, Ratanada, Jodhpur At Present Employed On The Post Of Passenger Guard In The Office Of Station Manager, Jodhpur Jn. Nwr.

-----Respondent

For Petitioner(s)	:	Mr. Bharat Vyas, Sr. Adv.-cum-A.S.G. Mr. Abhishek Sharma
For Respondent(s)	:	Mr. J.K. Jaushik

HON'BLE MR. JUSTICE MUNNURI LAXMAN
HON'BLE MRS. JUSTICE SANGEETA SHARMA

Order

03/08/2026

1. The question involved in these matters is whether the promotions earned by the respondents herein within the Guard cadre is liable to be counted for the purpose of financial upgradations under the Modified Assured Career Progression Scheme (hereinafter "*the MACPS*").
2. The grievance of the respondents is that the petitioner-authorities have initially granted MACPS by counting the promotions earned by the respondents in the cadre of Guard for the purpose of financial upgradations under MACPS and also granted pay scale accordingly. Subsequently, they withdrew certain benefits. In some cases, they were not counted promotions earned in the cadre of Guard. The same were

challenged before the Tribunal and the Tribunal allowed their case (In some cases, the Tribunal has not granted the benefits, having considered the entitlement for the grant of MACPS by counting promotions). The Tribunal allowed all the O.As and the present writ petitions are filed challenging the same.

3. Both the counsel agreed that the similar issue was raised before the Supreme Court in case of *Union of India Vs. Harbans Lal Verma* and other batch of Civil Appeals arising out of the SLP (C) No.35363/2025 and batch, wherein the Apex Court has held that they are entitled to counting of the promotions and shall be counted for the purpose of grant of financial upgradations under MACPS.

4. The operative portion of the judgment reads as follows:

"65. This Court records its conclusions on the question formulated above as follows:

(i) Paragraph 8 of the MACPS applies to the Guard cadre. The posts of Senior Goods Guard, Passenger Guard, Senior Passenger Guard, and Mail/Express Guard are distinct posts in the promotional hierarchy as per the applicable Recruitment Rules, carrying the same Grade Pay of Rs. 4200 in Pay Band PB-2. The functional promotions earned within the Guard cadre constitute "promotions" within the meaning of Paragraph 8. An employee who has traversed the Guard cadre up to Mail/Express Guard has earned three promotions counted under Paragraph 8 (with the Passenger Guard to Senior Passenger Guard movement ignored under Paragraph 5) and has thereby exhausted all three financial upgradation slots under the MACPS. He is not entitled to any further financial upgradation.

(ii) It is further recorded that the promotions so earned were not, in substance, financially inconsequential merely because Grade Pay remained constant. Each promotion within the Guard cadre entailed a promotional increment and the consequential enhancement of running-duty allowances and post-specific emoluments, the details of which have been noted in the preceding analysis. An employee who received these financial benefits through successive promotions has not experienced financial stagnation within the meaning of the MACPS and is not entitled to further financial upgradation under the Scheme on that ground.

(iii) The illustration to Paragraph 5, correctly understood, is a transitional provision addressing the treatment of pre-MACPS ACP-era promotions and upgradations. It does not override Paragraph 8 in respect of the post-01.09.2008 MACPS period. The Guard cadre's pre-revised pay scales correspond to those in the illustration, but the illustration directs only that pre-MACPS promotions be ignored for the purpose of the MACPS starting count; it does not direct that all subsequent promotions earned within the MACPS period, or all promotions earned before the MACPS period but counted under Paragraph 8, are similarly to be ignored.

(iv) RBE No. 76/2011 and RBE No. 142/2012, as DoPT-consulted binding executive clarifications of the MACPS, correctly apply Paragraph 8 to the Guard cadre and correctly reflect the position that MACP upgradation cannot exceed the Grade Pay ceiling of the promotional hierarchy. These circulars are in conformity with, and not in derogation of, the parent Scheme. They must be given full effect.

(v) The ratio of this Court in *Union of India v. Mukti Singha*, Civil Appeal No. 3321/2018, and *Union of India v. Birendra Kujur*, Civil Appeal No. 3328/2018, that an employee cannot be granted Grade Pay higher than what he may get on actual promotion in the hierarchy applies to the MACPS and governs the present case. In *M.V. Mohanan Nair (supra)*, the endorsement of DoPT clarifications as integral to and binding under the Scheme further reinforces the Appellants' position.

(vi) The dismissal of SLP(C) No. 20906/2019 and connected matters on 07.11.2023 does not constitute a declaration of law under Article 141 of the Constitution. That order expressly reserved the question of law. The High Court erred in treating those dismissals as a binding determination of the correct legal position.

(vii) The impugned order of the High Court, in following the Jodhpur Bench judgment in *Laxman Lal Parihar* on the basis of judicial discipline without independently examining the MACPS provisions, the Recruitment Rules, or the binding circulars, proceeded on an erroneous legal foundation. The conclusion reached by the Jodhpur Bench, followed by the Jaipur Bench, that Paragraph 5's illustration overrides Paragraph 8 for the Guard cadre, and that the Guard cadre movements are not promotions for MACP purposes, is incorrect and is, by this judgment, set aside.

66. In the light of the foregoing analysis and the conclusions recorded above, the appeal is allowed. The judgment and order dated 06.01.2025, passed by the High Court of Judicature for Rajasthan at Jaipur in D.B. Civil Writ Petition No. 16939/2024 is set aside. The orders of the Central Administrative Tribunal, Jaipur Bench, dated 11.07.2014 in O.A. No. 468/2011 and dated 11.07.2024 in O.A. No. 92/2015, to the extent they directed the grant of MACP financial upgradations at Grade Pay Rs. 4600 and Grade Pay Rs. 4800 to the Respondent, are set aside. The speaking order dated 15.10.2014 passed by the Divisional Railway Manager, Kota, rejecting the Respondent's MACP

claim on the basis of Paragraph 8 of the MACPS and RBE No. 142/2012, is restored and confirmed.

67. *No recovery of any MACP benefits already paid to the Respondent shall be made. The statement made before this Court on 01.12.2025 by the learned Additional Solicitor General on behalf of the Appellants that no recovery in terms of the impugned order shall be effected from the Respondent is recorded and forms part of this order.*

68. *The decision of this Court, as set out in this judgment, shall operate in the following terms: all similarly situated Railway Guards across Indian Railways who have traversed the Guard cadre up to Mail/Express Guard and whose MACP claims at Grade Pay Rs. 4600 and Rs. 4800 were denied or withdrawn pursuant to RBE No. 76/2011, RBE No. 142/2012, or any administrative order consistent with this judgment, and who have not already received those benefits pursuant to individual orders that have attained finality and been implemented inter partes, shall have their MACP positions regulated in accordance with the law as declared in this judgment. Employees who have received MACP benefits pursuant to orders of a Tribunal or High Court that have attained finality between the parties concerned and have been implemented shall not be subjected to any recovery or revision on the basis of this judgment.*

69. *In view of our decision in Civil Appeal..../2026 @ SLP (C) No.35363/2025, Civil Appeal..../2026 No.67055/2025 and Civil Appeal..../2026 @ SLP (C) No.11050 of 2026 are also allowed in the same terms.*

70. *Accordingly, the judgment and order dated 03.04.2025 in CWP No. 9803/2023 and judgment and order dated 20.03.2025 in D.B. Civil Writ Petition No.15303/2023 passed by the High Court of Judicature for Rajasthan at Jaipur Bench are set aside. The orders passed by the Competent Authority withdrawing/denying the MACP claims are restored and confirmed."*

5. Consequently, the writ petitions filed by the Union of India are dismissed, and the orders passed by the Tribunal are affirmed.

6. The statement made by learned Additional Solicitor General on 25.02.2025, to the effect that no recovery in terms of the impugned order shall be effected from the respondents, shall be made part of this order.

(SANGEETA SHARMA),J

(MUNNURI LAXMAN),J