



IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION
[CIRCUIT BENCH AT PORT BLAIR]

PRESENT: THE HON'BLE JUSTICE DEBANGSU BASAK

AND

THE HON'BLE JUSTICE AJAY KUMAR GUPTA

WP.CT/17/2025

SHRI S RAVINDRAN ... PETITIONER

VS.

UNION OF INDIA AND OTHERS ... RESPONDENTS

For the petitioner : Mr. Gopala Binnu Kumar
Ms. Vinita Devi

For the Respondents : Mr. Rakesh Kumar

Heard on : February 23, 2026

Delivered on : February 23, 2026

DEBANGSU BASAK, J.

1. The writ petition is directed against an order dated March 9, 2025, passed by the Central Administrative Tribunal in OA/351/01615/2017/AN.
2. By the impugned order, learned Tribunal negated the claim of the petitioner before us for higher scale of pay.



3. The petitioner before us approached Tribunal for higher scale of pay by way of Original application. Such application was initially disposed of on March 26, 2019 which allowed the prayer made on behalf of the petitioner.

4. Respondents challenged such order dated March 27, 2019 passed in WPCT/190/2019. High Court, remanded the Original Application to the Tribunal for fresh consideration on merits. On the basis of such order of remand dated December 16, 2019, the Original Application was heard afresh by the learned Tribunal.

5. Learned Tribunal, by an order dated December 14, 2021 framed the following issue:

“7. The moot issue in this original application is whether the applicant is eligible to claim pay parity with that of the Chargeman (Mechanical)”

6. The order date December 14, 2021 was challenged by the petitioner before the High Court in WPCT/3/2022 which was disposed of by the High Court on April 29, 2022.

7. The High Court, issued the following direction in its order dated April 29, 2022 which are as follows:

“25. We find that the specific point raised by the Administration before this Court in WPCT no. 190 of 2019, was that the petitioner was not eligible to be given revised scale of pay of Chargeman (Mechanical) because the



petitioner did not belong to the engineering subordinate cadre. The respondents contended that the recommendation of the Fifth Central Pay Commission revising the pay structure of Chargeman (Mechanical) was applicable to persons having a degree or diploma in engineering. Thus, neither the recommendation of the Fifth Central Pay Commission, nor the decision of the High Court for implementation of said pay structure in respect of Chargeman (Mechanical) could be applied in case of the petitioner. This was the main contention of the respondents in WWPCT 190 of 2019. The petitioner passed Class XI and was a holder of an ITI certificate. The respondents urged that the petitioner was not in the same category as Chargemen and pay parity could not be granted. The petitioner was not similarly situated. Such contentions of the respondents were recorded by this Court in its order dated December 16, 2019.

26. As these points were raised for the first time by the Administration before the High Court, WPCT No. 190 of 2019 was disposed of by the High Court and the learned Tribunal was directed to consider the matter afresh.

27. In our view, the learned Tribunal failed to consider the matter in the light of the decision of the High Court dated December 16, 2019 while remanding the matter. The learned Tribunal ought to have decided OA no. 351/01 615/2017 in the light of the decision of High Court dated December 16, 2019 passed in WPCT No. 190 of 2019 and should have arrived at the specific finding as to whether the petitioner's case for grant of the revised pay structure recommended by the Fifth Central Pay Commission in case of Chargemen, could be allowed in terms of the recommendation of the Fifth Central Pay Commission contained in clause 50.23 thereof, or not. Whether the order of the High Court dated November 30, 2012 passed in WPCT No. 594 of 2012 would be applicable to the petitioner should have been decided. The specific direction of the High court and its findings in the order dated November 30, 2012, read with the recommendation of the Fifth Central Pay Commission and the relevant clause, should have been taken into account by the learned Tribunal. The case of the petitioner should have been tested on these parameters. Whether the petitioner was similarly situated with the beneficiaries of the office order No. 643 dated April 25, 2013 and with Shri Raj Pal ought



to have been a relevant issue, for adjudication by the learned Tribunal.

28. The order impugned is thus set aside as the above issues were not decided by the learned Tribunal. The matter is remanded for a fresh decision in the light of the discussion made hereinabove.

8. The original application of the petitioner was thereafter heard afresh and the impugned order was passed. The learned advocate appearing for the petitioner submits that the petitioner is entitled to the scale of pay of Chargeman (Mechanical). He refers to the sequence of events. He submits that, receipt of Assured Career Progression (ACP) as well as Modified Assured Career Progression (MACP) are admitted by the parties. He submits that, since, the petitioner was discharging his duties of Fitter (Mechanical) and since the next promotional post is Chargeman (Mechanical) by dint of the period of service rendered, by the petitioner in the post of Fitter(Mechanical), the petitioner is entitled to the higher pay scale of Chargeman (Mechanical) under the ACP/MACP. According to him, the authorities were wrong in not granted the higher scale of pay of Chargeman (Mechanical) to the petitioner.

9. In support of the contention that, the petitioner is entitled to the higher scale of pay as Chargeman (Mechanical), learned advocate appearing for the petitioner submits that, initially



before the Tribunal, the petitioner claimed that the petitioner was similarly situated and circumstanced as that of Jagjeevan Lall and Raj Pal. However, for the present writ petition, the petitioner is confining his claim of parity with Jagjeevan Lall.

10. Learned advocate appearing for the petitioner draws the attention of the Court to scheme of promotion. He also draws attention of the Court to the educational qualification of the Jagjeevan Lall as also the post that he was holding. He draws attention of the Court to the promotion being granted by the authorities to Jagjeevan Lall. He submits that, the petitioner is similarly situated and circumstanced to that of Jagjeevan Lall. The authorities failed to take into consideration the aspect of the matter.

11. Learned advocate appearing for the respondent authorities draws the attention of the Court to the fact that, the petitioner cannot be treated as equivalent to that of Jagjeevan Lall. He submits that, Jagjeevan Lall was promoted to the post of Chargeman (Electrician) which is the feeder post of a Junior Engineer. He submits that, the issue as to whether or not a person holding a relevant degree of engineering or diploma, can be promoted to Junior Engineer received consideration of the High Court and it was held that, a person without the relevant



engineering in degree or diploma cannot be promoted to such post. Consequently, Jagjeevan Lall, by a dint of period of service although was entitled to be considered for the post from the date of promotion to the Junior Engineer was not promoted because of his lack of educational qualification. Therefore, he was afforded the ACP/MACP of a Junior Engineer's post. Petitioner before the Court cannot claim parity in such circumstances.

12. Learned Tribunal, by the impugned order, considered the respective contentions of the parties in details. Learned Tribunal considered the claim of parity of the petitioner with Jagjeevan Lall. It dealt with the claim of party with Jagjeevan Lall as follows:-

"8.2 It is the contention of the applicant that one Jag Jeevan Lall who was promoted as Chargeman from the post of Lineman-cum-Meter Reader (LMMR) was granted the pre-revised pay scale of Rs. 5000-8000/- or Grade Pay of Rs. 4200/- (VIth CPC) on promotion as Chargeman. Therefore, the applicant who was granted the pay of Chargeman after 1st financial upgradation under ACP scheme should also have been granted the pay scale of Rs. 5000-8000/- (pre-revised). Therefore, the action of the respondents denying the Grade Pay of Rs. 4200/- to the applicants is discriminatory and not sustainable.

The said Jag Jeevan Lall was granted 1st ACP benefits w.e.f. 09.08.1999 on completion of 12 years of service. At that time, Lineman-cum-Meter Reader (LMMR) was the feeder post for promotion to the post of Junior Engineer which carried a pay scale of Rs. 5000-8000/- as per Ministry of Power's letter dated 28.08.2008. Therefore, Jag Jeevan Lall's pay was raised to Rs. 5000 8000/- along with the pay of some other LMMRs while granting him 1st financial upgradation under ACP Scheme on



completion of 12 years of service by a review DPC. In 2004, Recruitment Rules were modified and Lineman cum-Meter Reader (LMMR) became the feeder grade for Chargemen. Since he was already in the pay scale of Rs. 5000-8000/- by virtue of financial upgradation under ACP Scheme, on 01.01.2006 his grade pay was fixed at Rs. 4200/-. Jag Jeevan Lall was promoted as Chargeman on 30.06.2007. Since he had already got the scale of Rs. 5000-8000/- (corresponding to GP Rs. 4200/ in 6th CPC) by virtue of financial upgradation under ACP Scheme, it continued to be the same even when he was promoted as Chargeman even though as per the Recruitment Rules the post of Chargeman had the Grade Pay of Rs. 2800/-. The case of Jag Jeevan Lall and that of the applicants are distinguishable as they belonged to different posts in their feeder cadre of LMMR and Fitter respectively which historically had different promotional avenues. Jag Jeevan Lall was not granted the Grade Pay of Rs. 4200/- due to his promotion as Chargeman. Since he was already in the pay scale of Rs. 5000-8000/- by virtue of financial upgradation under MACP scheme, he would have got the Grade Pay of Rs. 4200/- even if he was not promoted as Chargeman. The grant of Grade Pay of Rs. 4200/- to Jag Jeevan Lall was in the nature of pay protection and was personal to him. The applicant is therefore not similarly situated as Jag Jeevan Lall and cannot claim similar benefits on grounds of being similarly circumstanced as Jag Jeevan Lall. This fact is obvious from the order dated 14.02.2012 which clearly mentions that the pay of Jag Jeevan Lall has been fixed in the scale of Rs. 5000-8000/- under ACP Scheme with effect from 09.08.1999, i.e., when he was posted as a Lineman-cum-Meter Reader (LMMR). As per Recruitment Rules of Chargeman, the post carries a Grade Pay of Rs. 2800/- p.m. Applicant being a Fitter is in the feeder grade for promotion to the post of Chargeman. Therefore, while granting 1st financial upgradation to him under ACP scheme he was rightly granted the pay scale of Rs. 4500-7000/-."

13. Learned Tribunal also noted that, while, the High Court was remanding the Original Application for reconsideration, the Tribunal was required to consider the submission of the Administration that, the petitioner did not possess the requisite



educational qualification to be eligible for pre-revised scale of pay to the post of Chargeman (Mechanical).

14. Learned Tribunal, in consideration of such direction, found that the petitioner before the Tribunal was not entitled to be promoted to the post of Chargeman (Mechanical) in view of lack of educational qualification.

15. Before us, it is the contention of the petitioner that the petitioner possesses a diploma certificate from the Industrial Training Institute.

16. We are not in a position to arrive at a finding that, such certificate is equivalent to the diploma or degree as contemplated by the promotional requirement to the post of Chargeman (Mechanical) from the post of Fitter (Mechanical). In any event, the Tribunal dealt with such aspect and found that the petitioner was not entitled to be granted such benefits, as prayed for.

17. Since the petitioner gave up his claim of parity with Raj Pal, we are not entering into such criteria.



18. In view of the discussions, we find no merit in the present writ petition.

19. **WPCT/17/2025** is dismissed without any order as to costs.

(DEBANGSU BASAK, J.)

20. I agree.

(AJAY KUMAR GUPTA, J.)