

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**  
**JABALPUR**

**Original Application No.203/00158/2021**

Jabalpur, this Friday, the 26<sup>th</sup> day of February, 2021

**HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER**  
**HON'BLE MS. NAINI JAYASEELAN, ADMINISTRATIVE MEMBER**



Smt. Aparna Dwivedi, W/o Late Prakash Dwivedi,  
 Aged about 51 years, presently working as Accounts Clerk,  
 R/o Shuklabada, Marwadi Line, Khaparganj,  
 Bilaspur (CG) 495001 (CG) Mobile No. 9039765575

**-Applicant**

(By Advocate – **Shri A.V.Sridhar**)

**V e r s u s**

1. Union of India, through the General Manager,  
 South East Central Railway, Bilaspur (CG) 495004
2. Principal Chief Personnel Officer,  
 South East Central Railway, Bilaspur(CG) 495004
3. Principal Finance Advisor, South East Central Railway  
 Bilaspur (CG)495004
4. Deputy FA&CAO (T) South East Central Railway  
 Bilaspur (CG)-495004

**- Respondents**

(By Advocate – **Shri Vivek Verma**)

**O R D E R(ORAL)**

**By Ramesh Singh Thakur, JM:-**

Heard.

2. This Original Application has been filed against the inaction on behalf of the respondents not for fixing pay of the applicant and granted MACP benefits to the applicant as a result of which the applicant is facing huge financial losses.



3. From the pleadings the facts of the case is that the applicant was offered appointment on compassionate grounds and was posted as ASM. The applicant vide letter dated 04.05.2001 requested for an alternative appointment and the competent authority approved the appointment of the applicant as Jr. Telephone Operator and on acceptance the applicant was posted as Jr. Telephone Operator vide Annexure A-2. Thereafter, while working as Jr. Telephone Operator the applicant was promoted as Sr. Telephone Operator and thereafter continued to work as such. Somewhere in the year 2011 certain posts of Sr. Telephone Operator were declared surplus and the applicant was directed to submit her consent with a preferential list of departments for redeployment. The applicant submitted her consent dated 11.04.2011 (Annexure A-4).

4. That, vide order dated 24.05.2011, the applicant was redeployed and was posted in the office of DFM/BSP as Jr. Accounts Clerk with a specific observation that the applicant shall be entitled for pay protection. A copy of the order dated 24.05.2011 is annexed as Annexure A-5. Subsequently, vide order dated 10.06.2011 the applicant was posted as Probationer Accounts Clerk under pension section. After few

months the applicant was granted benefits of pay protection and thereafter the same was withdrawn and the applicant continued to suffer financial losses for considerable period of time on account of improper fixation of pay.



5. The applicant vide representation dated 03.09.2019 (Annexure A-1) again made request for fixation of pay and grant of MACP benefits but the respondents sitting tight on the representation and are not deciding the same.

6. At this stage learned counsel for the applicant submits that the applicant will be satisfied if the respondents are directed to decide Annexure A/1 in a time bound manner.

7. Learned counsel for the respondents submits that he has no objection if the Original Application is disposed of in above manner.

8. We have considered the matter and we are of the view that the natural justice will be met if the competent authority of the respondents is directed to decide the representation filed at Annexure A-1, especially when the same is pending with the competent authority in a time bound manner.

9. Resultantly, the competent authority of the respondents is directed to decide the applicant's representation filed at

Annexure A-1 within a period of six weeks after receiving the copy of this order.

10. Needless to say that the respondents shall pass the reasoned and speaking order. Respondents shall also deal with all the contentions raised in the representation filed at Annexure A-1.



11. With these observations, this Original Application is disposed of at admission stage itself.

12. However, is it made clear that this Court has not commented anything on the merits of the case.

**(Naini Jayaseelan)**  
**Administrative Member**  
rn

**(Ramesh Singh Thakur)**  
**Judicial Member**