

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/020/1224/2018

Dated: 14/12/2018

Between

P. Prasada Rao,
S/o. Guruvulu,
Aged about 60 years,
Occ: Retd. JAM Peon Gr. 'C',
O/o. Senior Divisional Personnel Officer,
BZA, O/o the Senior Divisional Personnel Officer,
South Central Railway, Vijayawada,
R/o.77-21-8, Gangaraju Street, Payakapuram,
Vijayawada.

... Applicant

AND

1. The Union of India rep. by
Under Secretary,
Ministry of Railways,
South Central Railway,
Central Secretariat,
New Delhi.
2. The Senior Divisional Personnel Officer,
South Central Railway,
Bezawada.
3. The Deputy Director, Pay Commission-VI,
Railway Board,
New Delhi.

... Respondents

Counsel for the Applicant : Mr. V. Ganesh Bhujanga Rao
Counsel for the Respondents : Mrs. Vijaya Sagi, SC for Railways

CORAM :***Hon'ble Mr. B.V. Sudhakar, Admn. Member******ORAL ORDER***

(Per Hon'ble Mr. B.V. Sudhakar, Admn. Member)

The O.A. is filed against the impugned action of the 2nd respondent in respect of payment of leave encashment of the applicant and also in regard to Modified Assured Career Progression Scheme.

2. The brief facts of the case are that the applicant joined respondent's organization on 6.6.1958. The applicant worked in the post of Gatekeeper in the pay scale of Rs.775–1025/- . Later, on grounds of medical decategorization, he was absorbed as Office Peon in 1997. The applicant, while working in the 2nd respondent's office, was transferred to the office of Sr.MS/O/ NED. But when it was challenged in this Tribunal, the same was initially dismissed but later on Review Application was allowed. Consequent to the cancellation of the transfer, the period from 11.8.2005 to 28.10.2005 was treated as duty. The applicant contends that in fact the period from 21.4.2004 to 11.8.2005 has to be treated as on duty since his Review Application made before this Tribunal has succeeded. The applicant also informs that his leave chart from 1995-97 is missing. He claims that the administration should construct the leave record. However, no steps in this direction were taken.

3. The applicant also contends that he has to be granted three MACPs since he has put in 30 years of service. However, the respondents have granted him only 2 MACPs. As per the version of the applicant, the period of 448 days absence consequent to the order of transfer could be the reason. The applicant has made several representations but there is no response from the respondents.

4. The respondents have not even granted the due increments, bonus to the applicant for the period from 1995-97 & 2004-05 though there are favourable orders by this Tribunal vide RA/18/2005. The applicant prays that the O.A. may be treated as a representation and disposed of by the respondents.

5. Mrs. Vijaya Sagi, learned Standing Counsel, who took advance Notice on behalf of the respondents has agreed for the same.

6. Therefore, the respondents are directed to treat the O.A. as a representation and dispose of the same with a reasoned and speaking order, within 60 days from the date of receipt of this order. The O.A. is accordingly disposed of at admission stage. There shall be no order as to costs.

**(B.V. SUDHAKAR)
MEMBER (ADMN.)**

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