

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order Dt. 26.02.2004

Heard Mr. N.R. Routray, Ld. Counsel for the applicant and Mr. S.K. Ojha Ld. Counsel for the Respondents and perused the records placed before us. This application has been filed by applicant, Tulasi Dalai, a retired Group 'D' official of the Respondents' Department. The grievance of the applicant is that he was regularized in Group 'D' with effect from 01.04.1973 and retired on superannuation with effect from . 30.06.2002 but he was not granted the benefit of the ACP Scheme, in that, he was denied the benefit of second financial up-gradation though he had done more than 24 years of service before his retirement. The Respondents admitting the facts of the case submitted in the counter that the applicant having been retired with effect from 30.06.2002 and his service records having been sent to Senior D.A.O. (Pension), East Coast Railway/Khurda Road Office it would take about six months time to process his case for grant of second financial upgradation after putting it to the DPC to access his entitlement under the ACP Scheme. It has also submitted by the Respondents that the case of

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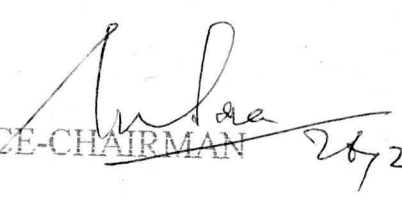
Copy of order dt. 26/2/04
issued to the Counsel
for both side.

Wizaya
S.O.

Mr
12/3/04

the applicant was being put before the Screening Committee for scrutiny and recommendation.

Having heard both the parties and the facts of the case having been admitted by the Respondents I am of the opinion that they should be given some time for finalizing the matter regarding grant of second financial upgradation under ACP Scheme. However, while by granting time I would like to impress upon the Respondent that they should look into the circumstances which caused non-consideration of the case of the applicant causing financial hardship to him. If such a delay in grant of ACP benefit to the applicant would be attributable to the administration, the applicant will be entitled to relief and accordingly whatever arrear payment he will be entitled to should be paid to him along with interest (to the said sum) at the rate of 6% per annum from the date when his junior started getting benefit of the scheme. This O.A. is accordingly disposed of with the above direction.


VICE-CHAIRMAN 26/2