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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK,

Original Application No. 660 of 2003
Cuttack, this the 14th day of July, 2008

Chilla @ Chilla Behera ... Applicants
Versus
Union of India & Others ... Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not?
2. Whether it be circulated to all the Benches of the CAT or not?

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(JUSTICE K. THANKAPPAN)
MEMBER (JUDICIAL)

C
(C.R. MOHAPATRA)
MEMBER (ADMN.)

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK,

Original Application No. 660 of 2003
Cuttack, this the 14th day of July, 2008

C O R A M:

THE HON'BLE MR.JUSTICE K.THANKAPPAN, MEMBER (J)
A N D
THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)

CHILLA @ CHILLA BEHERA, aged about 61 years, S/o. Late Chana Behera of Village Rabana, Po-Jakhapura, Ps-Sukinda, Dist.Jajpur (A retired Sr. Track Man/PWI/JJKR/Engineering (D/L).

..... Applicant

By legal practitioner: M/s. S.K.Swain, M.R.Mohanty, Counsel.

-Versus-

1. Union of India represented through the General Manager, East Coast Railway, At/Po. Chandrasekhpur, Bhubaneswar, Dist.Khurda.
2. The Divisional Railway Manager, East Coast Railway, Khurda Road Division, At/Po.Jatni, Dist. Khurda.
3. The Deputy Chief Personnel Officer, East Coast Railway, Khurda Road Division, At-Chandrasekhpur, Bhubaneswar, Dist. Khurda.
4. The Finance Advisor and Chief Account Officer, South Eastern Railway, Garden Reach, Kolkata-43.
5. The Senior Divisional Personnel Officer, Khurda Road Division, East Coast Railway, At/Po. Jatni, Dist. Khurda.

...Respondents.

By legal practitioner: Mr. R.C.Rath, Counsel

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ORDER

MR. C.R.MOHAPATRA, MEMBER(ADMN.):

Applicant Chila @ Chila Behera has filed this Original Application under section 19 of the Administrative Tribunals Act, 1985 praying for direction to the Respondents to ante-date his date of regularization to 24.05.1973 and to direct them to extend the benefits of ACP to him with consequential financial benefits. He has also prayed for a direction to the Respondents to pay him 70% of CGEGIS amount with compound interest.

2. Respondents in their counter have stated that the Applicant is not entitled to any of the relief(s) as his case does not come within the purview of the ACP scheme adopted by the Railways. In this context, it has been clarified by the Respondents that the Applicant was initially appointed on 24.02.1966 as Casual Gang man with temporary status carrying the scale of pay of Rs.70-85/- Subsequently, taking into consideration his working days as casual Gangman, he was screened and empanelled for regular absorption subject to availability of regular Gr. D vacancy and after passing the requisite medical test. Accordingly,



the applicant was permanently absorbed in Gr. D post on 10.07.1982 vide order dated 23.08.1982 and confirmed in that post on 10.07.1983.

Thereafter, he was promoted to the post of Sr. Gangman carrying the scale of pay of Rs. Rs.800-1150/- on 01.08.1991 and at the time of his retirement on 31.03.2002 he was drawing the pay of Rs.4000/- p.m. It has been submitted that two financial up-gradations under the ACP scheme shall be available only if no regular promotions during the prescribed periods (12 and 24 years) have been availed by an employee.

Since in the present case the Applicant was promoted on 01.08.1991, he would have been entitled to second financial up-gradation under ACP only after completion of 24 years of service had he not been superannuated from service on 31.03.2002. Hence he was not entitled to the benefits of ACP as claimed by him in this OA.

3. Further it has been stated that though Shri Bhaga, S/o.Aintha was appointed on 24.01.1967 as casual Gangman on authorized scale of pay, based on his working days he was screened and his service was regularized on 24.05.1973 i.e. earlier than the applicant as Gangman and by virtue of his promotion to the post of Key man in

scale of Rs.2750-4400/- and to the post of Mate in scale of Rs.3050-4590/- he was drawing a pay of Rs.4350/- at the time of his retirement i.e. 30.11.2002. Since the post to which Shri Bhaga was promoted carries higher pay as a natural consequence, he was drawing higher pay than the present Applicant. However, it has been stated that having accepted the promotion to the post of Sr. Gangman, the Applicant is estopped to challenge such action after long lapse of time. As regards the prayer for Payment of 70% of CGEGIS amount with compound interest, it has been averred by the Respondents that the Applicant is not entitled for the same as an amount of Rs.10/- p.m. was recovered from the pay of the Applicant towards CGEGIS for the period from 10.07.1982 to 03.12.1999 (sic) and @ Rs. 15/- for the period from 01.01.1992 till his retirement. Accordingly, basing on the contribution of applicant, CGEGIS amount has been passed for Rs.7109 on 27.03.2002 and paid to the applicant along with his other settlement dues after retirement. Hence, they have prayed for dismissal of this OA. No rejoinder has been filed.

4. Heard Learned Counsel for the parties and perused the materials placed on record. During hearing, Learned Counsel for the

Applicant has placed no material to convince us that the factual matrix given by the Respondents in their counter is in any way contrary to records -rather Learned Counsel appearing for the Respondents, besides reiterating their stand taken in the counter, drew our attention to the orders of this Tribunal dated 07.12.2004 passed in OA Nos.651, 652,653,654,663 & 664 of 2003 in which this Tribunal has dismissed similar matters filed by similarly situated employees of the Railways. While giving due consideration to various contentions of the parties, we have perused the aforesaid orders of this Tribunal filed by the Respondents. In the light of the explanation given by the Respondents we find no substantial ground to hold that the Applicant is entitled to any of the relief(s) claimed in this OA. Accordingly we hold that this Original Application is meritless and hence stands dismissed. We pass no order as to costs.

Kappan
(JUSTICE K.THANKAPPAN)
MEMBER (JUDICIAL)

Chopra
(C.R.MOHAPATRA)
MEMBER (ADMN.)