

10

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.**

Original Application No.1094 OF 2003
Cuttack, this the 28th day of December, 2005.

NAKULANANDA SAHOO

APPLICANT


Versus


UNION OF INDIA & Ors.

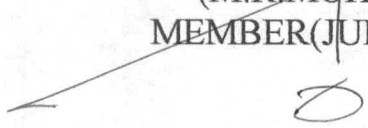
RESPONDENTS

FOR INSTRUCTIONS

- n. Whether it be referred to the reporters or not? No
2. Whether it be circulated to all the Benches of CAT or not? No


(B.N.SOM)
VICE-CHAIRMAN


(M.R. MOHANTY)
MEMBER(JUDICIAL)



11

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Original Application No.1094 OF 2003
Cuttack, this the 28th day of December, 2005.

CORAM:

THE HON'BLE MR.B.N.SOM, VICE-CHAIRMAN
AND
THE HON'BLE MR.M.R.MOHANTY, MEMBER(JUDICIAL)

Sri Nakulananda Sahoo, aged about 66 years,
So of late M.Sahoo, Ex-Hammerman (PCR)
Signal and Telecom/Con.South Eastern Railways,
Khurda Road.

..... **APPLICANT.**

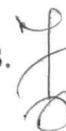
For the Applicant : M/s. Damodar Mishra, S.K.Mishra,
Y.Naik, Advocates.

VERSUS

1. Union of India, represented through its
General Manager, East Coast Railways,
At/Po- Chandrasekharpur, Dist.Khurda.
2. Divisional Railway Manager, (Personnel),
Khurda Road, Po. Jatni, Dist. Khurda.
3. Deputy Chief Signal and Telecom Engineer (Con.),
Bhubaneswar, Po. New Capital, Dist. Khurda.

..... **RESPONDENTS.**

For the Respondents: M/s. S.K.Ojha, H.M.Das,
Counsel for Railways.



ORDER

MR. M.R. MOHANTY, MEMBER (JUDICIAL):-

Applicant, a retired employee of the Railways, has filed this Original Application under section 19 of the Administrative Tribunals Act, 1985 seeking direction to the Respondents for release of certain financial dues and for granting benefits under ACP scheme.

2. Respondents have filed their counter disclosing that a Railway servant is entitled financial up gradation under the ACP scheme after completion of 12 years and 24 years of his/her services; provided he/she has not got any promotion during the said period and that, in the present case, the Applicant, having entered into the service as trolley man on 01-04-1973, was promoted to the post of Hammer man on 03.01.1986 and, before being eligible for grant of the benefits under ACP scheme, he was superannuated w.e.f. 30.09.1996 and that, therefore, he was not entitled the benefits under the ACP scheme.

3. As regard payment of certain arrear dues, it has been disclosed by the Respondents that the Applicant is not entitled to any of the dues; for the same being paid to him in due time. However, by filing an affidavit, it has been disclosed by the Respondents that, by virtue of ante dating his date of regularization/refixation of pay, the Applicant was entitled certain arrear salary.

16

4. We have heard Mr. D.Mishra, learned counsel appearing for the Applicant and Mr. Ojha Learned counsel appearing for the Railways and perused the materials placed before us during hearing of this case.

5. Except bald pleadings, no materials have been produced to show that the Applicant was entitled to get any arrear dues. However, during the hearing, learned counsel appearing for the Railways had produced a letter to show that differential arrears, in view of re fixation of his salary, amounting to Rs. 13,567/- has already been remitted to the Applicant.

6. We also find that the stand taken by the Respondents for not giving the benefits under ACP scheme is ^{no} in way contrary to the ACP scheme.

7. In the above view of the matter, this Original Application stands dismissed. No costs.


(B.N.SOM)
VICE-CHAIRMAN


(M.R.MOHANTY)
MEMBER(JUDICIAL)