

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

Original Application No. 09 of 2004

Cuttack this the 27th day of January, 2005

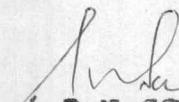
Anua Bahalia Applicant

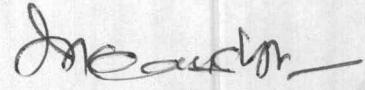
VERSUS

Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ?
2. Whether it be circulated to all the Benches of the ^W Central Administrative Tribunal or not ?


(B.N. SGM)
VICE-CHAIRMAN


(J.K. KAUSHIK)
JUDICIAL MEMBER

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

Original Application No. 09 of 2004
Cuttack, this the 27th day of January, 2005

CORAM :

HON'BLE SHRI B.N. SQM, VICE-CHAIRMAN
AND
HON'BLE SHRI J.K. KAUSHIK, JUDICIAL MEMBER

.....

Shri Anua Bahalia, aged 64 years, S/o. Late Dhraba Bhalis, retired as Gangman, (now E.C.Railway), permanent resident of Village Satamal, P.O. Gadamadhupur, P.S. Dharmasala, Dist. Jajpur.

..... Applicant

By the Advocate - Mr. N.R. Routray.

VERSUS

1. Union of India, represented through the General Manager, East Coast Railway, Chandrasekhapur, Bhubaneswar, Dist- Khurda.
2. Dy. Chief Personnel Officer, (con) East Coast Railway, Chandrasekhapur, Bhubaneswar, Dist. Khurda.
3. Chief Administrative Officer, (can) East Coast Railway, Chandrasekhapur, Bhubaneswar, Dist. Khurda.
4. F.A. & C.A.O. (Con), East Coast Railway, Chandrasekhapur, Bhubaneswar, Dist. Khurda.

..... Respondents

By the Advocate - Ms. S.L. Pattnaik.

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..... ORDER

SHRI J.K. KAUSHIK, JUDICIAL MEMBER

Shri Anua Bhalia has filed this O.A. under Section 19 of the Administrative Tribunal's Act for seeking the following relief :

"(a) To direct the Respondents to grant second financial upgradation as per the ACP Scheme under Annexure-A/2 of the Original Application from the month of December, 1999 and pay the differential arrears thereof.

(b) And direct the Respondents to pay the revised arrear pension, DCRG, Commutation & Leave Salary with 12% interest.

2. We have heard the Ld. Counsel for both the parties and have given out considerable thought to their submissions, pleadings and gone through the records of the case.

3. The brief facts of this case are that the applicant was initially engaged as Gangman in SE Railway in the year 1967. He came to be regularised w.e.f. 1.4.73 on the Group 'D' post. He has been working continuously on the same post of Gangman without any promotional avenues and has rendered 28 years of satisfactory service. He has been given only one financial upgradation under ACP Scheme introduced vide Railway Board Circular dated 1.10.99, wherein it has been provided that where an employee holds Group-B, C and D posts and has completed 12 years and 24 years of regular service, he shall be entitled to two financial upgradation under the said scheme. In other words, he should be allowed two financial upgradation on completion of 12 and 24 years of service respectively. He was regularised in

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the scale of Rs. 750-940 which came to be revised as Rs. 2550-3200 by 5th Pay Commission vide Annexure-A/1 of the ACP Scheme. The scale has to be upgraded to 2650-4000. The Respondents have issued the PPO which shows that the scale of pay of applicant as 2610-3540 on the date of his retirement as 31.12.2000 and he has been paid his pensionary benefits on that basis. The O.A. has been filed on number of grounds adduced in para 5 and its sub para.

4. The Respondents have contested the case by filing a detailed counter reply ostensible in the shape of an application for extending the time for implementation of their scheme. Otherwise the claim has not been refuted on merit. The Ld. Counsel for the applicant drew our attention to one of the decision of this very Bench of the Tribunal pronounced in O.A. No. 47/04, Laxman@Pradhan Vs U.C.I and Others on dated 18.1.05, where both of us were party to the order, and has submitted that the controversy involved is covered by the ratio of the said decision. We have perused the same and find that the controversy is squarely covered on all fours by the said decision, and therefore, we have absolutely no hesitation in deciding this O.A. on the similar lines.

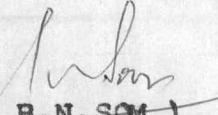
5. However, we would like to point out one thing in this case that the PPO issued to the applicant indicates that the applicant has retired from the post of Gangman in the pay scale of Rs. 2610-3540. The post of Gangman is Group-D post which itself is the initial post and is not a promotional post. He seems to have not enjoyed any benefit under ACP Scheme. Thus,

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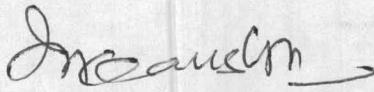
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the applicant would be prima facie entitled for two upgradations and not one as he has claimed in this case. The applicant seems to be not aware of his actual entitlement. However, we hope that the Respondents would sincerely extend the due benefits to the applicant as per his entitlement.

6. In the premises, the O.A. is hereby disposed of with the direction to the Respondents to extend the due benefits of financial upgradation(s) under ACP Scheme w.e.f. 1.10.89 or some future date to where from he is found eligible. He shall be entitled to all consequential benefits including the arrears of difference of pay, revision of pensionary benefits etc. alongwith interest at the rate of 8% per annum. This order shall be complied with within a period of three months from the date of communication. No costs.


(B.N. SOM)

VICE-CHAIRMAN


(J.K. KAUSHIK)
JUDICIAL MEMBER

RK/SD