

12

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

**ORIGINAL APPLICATIONS NO.563 & 564 OF 2005
CUTTACK, THIS THE DAY OF 24/5 AUGUST 2007**

Sita & others

.....Applicants

-VERSUS-

Union of India & others

.....Respondents

FOR INSTRUCTIONS

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

Adarsh
N.D.RAGHAVAN
VICE-CHAIRMAN
24.8.07.

meet
P.K.CHATTERJEE
MEMBER (ADMN.)

CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH, CUTTACK

O.A.NOS.563 & 564 OF 2005

(DECIDED ON 24/5 AUGUST, 2007)

CORAM:

HON'BLE SHRI N.D.RAGHAVAN, VICE-CHAIRMAN

AND

HON'BLE SHRI P.K.CHATTERJEE,ADMINISTRATIVE MEMBER

IN THE O.A.NO.563 OF 2005

Sita, D/o.Lasso, aged about 53 years, at present working as a Multi-purpose Khalasi under CWM/mancheswar work shop/ E.C.Railway, Mancheswar.II.

.....Applicant
Advocates for the ApplicantM/S. N.R.Routray,
S.Mishra.

Versus:

1. Union of India, represented through the General Manager, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist.Khurda.
2. Chief Works Manager, Carriage Repair Workshop, East Coast Railway, At/PO:Mancheswar, Bhubaneswar, Dist.Khurda.
3. F.A. & C.A.O. (Con.), S.E.Railway, now East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist.Khurda.
4. F.A. & C.A.O., Carrier Repair workshop, East Coast Railway, Mancheswar, Bhubaneswar, Dist.Khurda.
5. Chief Administrative Officer(Con.),East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist.Khurda.

..... Respondents
Advocate for the RespondentsMr.P.C.Panda(R.No.1)

meaw —

AND IN THE O.A.NO.564 OF 2005

Chitra, D/O/Mirja, aged about 61 years, Retd. Multi Purpose Khalasi under Engineering(Con)/Bhubaneswar, E.C.Railway, permanent resident of Village Pidhamunda, P.O.Chandarpur, P.S.Udala, Dist.Mayurbhanj.

.....Applicant

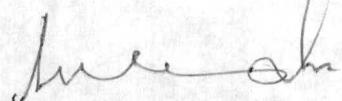
Advocates for the ApplicantM/S.N.R.Routray,
S.Mishra

Versus:

1. Union of India, represented through the General Manager, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist:Khurda.
2. Dy.Chief Personnel Officer, (Con), S.E.Railway, now East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist:Khurda.
3. Chief Administative Officer, (Con), S.E.Railway, now East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist:Khurda.
4. F.A. & C.A.O. (Con), S.E.Railway, now East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist.Khurda.
5. Chief Engineer (Con), S.E.Railway, now E.C.Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist.Khurda.

..... Respondents

Advocate for the RespondentsMr.P.C.Panda(R.No.1)

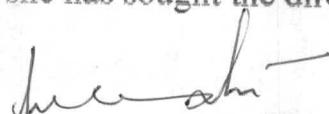


ORDER

HON'BLE SHRI P.K.CHATTERJEE, (MEMBER(ADMN.))

The facts of the two O.As.563/05 and 564/05 are identical and both the applicants are similarly circumstanced, and asked for similar relief. Therefore, we are disposing of the two O.As by this common order.

2. Both the applicants were working in the department of Railways as Group-D staff. Smt.Chitra, the applicant in O.A.No.564/05 worked as Khalasi whereas Smt.Sita, the applicant in O.A.No.563/05 works as Helper, both in the grade of Rs.2550-3200/- . They have stated that being regular employees of the Raiwlays having completed 12 years of service, they became eligible for getting the first ACP as per the Government circular No.P/5thPC/21 dated 01.12.1999 (Annexure-A/2) which introduces the scheme of Assured Career Progression. According to this scheme, employees who stagnated in one grade for a long time without any scope for up-gradation/promotion was to be given two up-gradations in a career span of 24 years, first at the end of 12 years and the second after 12 years from the date of first up-gradation. Both the applicants state that they qualified for the first up-gradation in terms of the length of service. Therefore they deserved to be given the benefit of the first ACP from the date on which they complete 12 years of service. The applicant in O.A.No.563/05 says that she completed 12 years on 01.10.99. The applicant in O.A.No.564/05 has already retired from service in the year 2004 and, therefore, she has sought the direction of



the Tribunal for the Respondents to not only pay the differential arrear salary till the date of retirement but also the revised arrear pension, DCRG, Commutation and Leave salary with 12 % interest. The applicant in O.A.No.563/05, however, is still in service her prayer is for payment of the arrear salary with effect from her promotion under ACP.

3. The Respondents have filed their reply in which they have not disputed the claim of the applicants'. They have stated that the ACP scheme applied to both the applicants, they being regular employees of the department. The Respondents have stated that as per the ACP scheme, the applicants would be eligible for up-gradation on the end of 12 years of service in which 50 % of their service in temporary status will be taken into account. Accordingly, the applicant in O.A.No.563/05 became eligible for the first ACP up-gradation on 16.09.2000. The Respondents have further stated that they have granted the financial up-gradation to the applicant w.e.f. 16.09.2000 vide their officer order dated 27.07.06 (Annexure-R/1 to the reply).

4. In respect of the applicant in O.A.No.564/05, the Respondents have stated that she was also eligible for the up-gradation but as she was working in the engineering department of Deputy Chief Engineer, her case was lost sight of and could not be processed in time. They were, however, considering her case for giving ACP up-gradation from the due date. Subsequently by their order dated 08.05.07, the applicant in O.A.No.564/05 was granted first ACP up-gradation w.e.f. 01.10.99. In

Meenakshi

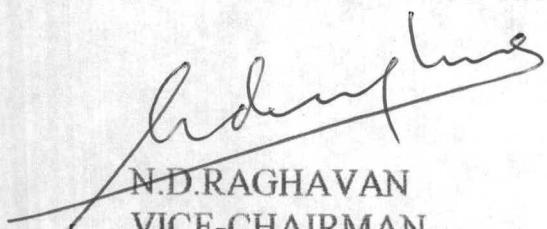
the same order, it was also directed that the pay of the staff should be fixed under the relevant provisions of the Rules.

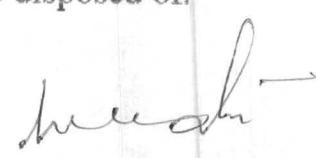
5. The facts of the case and the genuineness of the claims made by the applicants in both the O.As have not been disputed by the Respondents. It has also been acknowledged that the cases of both the applicants were somehow not processed in time. The Respondents have not questioned the eligibility of the officials for financial up-gradation as per the ACP scheme not only that the relevant orders which have been annexed with the reply show that the financial up-gradation has already been accorded to the Applicant in O.A. No.564/05 from 01.10.1999 and to the applicant in O.A.No.563/05 from 16.09.2000. Therefore, the part of relief prayed for has already been accorded. The merits in the O.A. have not been questioned and are not disputed by the Respondents, therefore, we allow both the O.As. We also direct that the remaining action i.e. the payment of arrear should be completed within a period of three (3) months from the date of a certified copy of this order is received by the Respondents. In respect of the applicant in O.A.No.564/05 apart from the arrear in salary from the date of up-gradation to the date of retirement, revised pension and other retiral benefits have to be worked out and implemented besides paying arrears on account of the revision. The revision in pension and other retiral benefits are necessary as these are calculated on the basis of the last pay drawn by the applicant, and consequent upon the up-gradation, the last pay drawn by the applicant has also to be enhanced. In respect of the applicant in O.A.No.563/05, the arrear salary has to be worked out and

Subrahmanyam

paid. Both these works should be completed within three months as stated above. The arrear should be paid with 8 % simple interest from the date of up-gradation.

With the above directions, the two O.A.s are disposed of.


N.D.RAGHAVAN
VICE-CHAIRMAN


P.K.CHATTERJEE
MEMBER(ADMN.)