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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO. 72 OF 2008

Cuttack, this the 1st day of May, 2009

Subasini Nayak..... Applicants

Vs.

Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not?
2. Whether it be circulated to Principal Bench, Central Administrative Tribunal or not?


(C. R. MOHAPATRA)
ADMINISTRATIVE MEMBER


(K. THANKAPPAN)
JUDICIAL MEMBER

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CORAM:

Hon'ble Mr. Justice K. Thankappan, Member (J)

Hon'ble Mr. C.R. Mohapatra, Member (A)

.....

Subasini Nayak, aged about 59 years, Widow of Late Pandab Nayak, Ex-Watchman, Kalupadaghat, Engineering Department (Open Line), East Coast Railways, Khurda Road, Dist-Khurda, permanent resident of Village Washpadar, P.O-Kalupadaghat, P.S.-Tangi, Dist-Khurda.

..... **Applicant**

By the Advocate(s) M/s. N.R. Routray,
S. Mishra,

Vs.

1. Union of India represented thorough General Manager, E.C. Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
2. Divisional Railways Manager, East Coast Railways, At/Po/Ps: Khurda Road, Dist-Khurda.
3. Senior Divisional Personnel Officer, East Coast Railway, At/Po/Ps: Khurda Road, Dist.- Khurda
4. Senior Divisional Financial Manager, East Coast Railway, At/Po/Ps: Khurda Road, Dist.- Khurda

..... **Respondents**

By the Advocate(s).....**Mr. M.K. Das**

**ORDER
(ORAL)**

HON'BLE MR. JUSTICE K. THANKAPPAN, MEMBER(J)

Heard Mr. N. R. Routray, Ld. Counsel for the applicant and
Mr. M.K. Das, Ld. Counsel for the Respondents.

2. The applicant a retired Water Man under the Railways has
filed this Original Application with the following prayers:-

“(a) To direct the Respondents to grant 1st financial
upgradation w a f 01 06 01



- (b) To direct the Respondents to issue revised PPO showing the scale as Rs.2650-4000/-.
- (c) To direct the Respondents to pay the differential arrear, DCRG, Commutation & Leave Salary and pass any other appropriate order as deems proper and fit in the interest of justice"

3. The applicant retired from service on 28.02.02 having served for more than 12 years. However, the applicant having not been given the financial upgradation under the A.C.P. Scheme, filed representations before the authorities. Without considering the representations and the request of the applicant, the Respondents issued Annexure-A/2 PPO showing his pension and other benefits less than what is actually due to him. Hence, the applicant has filed this O.A. with the prayer as quoted above.

4. In pursuance to the notice received, a counter statement has been filed for and on behalf of the Respondents by taking the stand that although the applicant is entitled for the financial upgradation under ACP Scheme as he has completed 12 years of service in the Railways, but due to some official delay the Department had issued Annexure-A/2 PPO without verifying the entire matter relating to the applicant.

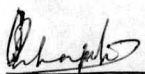
5. Be that as it may, upon hearing the counsel on either side and on perusing the records produced before us, we see that as per the counter statement filed before this Tribunal the entire claim of the applicant has been admitted by the Respondents. It is stated in paragraph 6 to 8 of the counter that the case of the applicant is under consideration and she will be given financial benefits and issued with a revised PPO accordingly. However, the Respondents want little more time to do the needful.

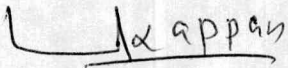


6. Having considered the above submissions, we are of the view that this O.A. can be disposed of by directing the Respondents to issue necessary orders ^{on} after calculating all the benefits due to the applicant and issue fresh PPO within a reasonable time at any rate, within 45 days from the date of receipt of copy of this order.

7. However, Ld. Counsel for the applicant contends that as the applicant has retired in 2002, she is entitled to interest on the belated payment. We are of the view that since the Respondents have admitted the case of the applicant in spirit and letter, we are not inclined to order payment of any such interest provided that the amount is paid to the applicant within the time indicated above. It is made clear that if the payment is not made within the time as stipulated above then the amount due to be paid to the applicant will bear 6% interest after the lapse of the stipulated time till the date of actual payment.

8. With the above observation and direction this O.A. is disposed of. No costs.


(C. R. MOHAPATRA)
ADMINISTRATIVE MEMBER


(K. THANKAPPAN)
JUDICIAL MEMBER