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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.503 OF 2010
CUTTACK THIS IS THE 15th DAY OF SEPT., 2010

Mangulia..... Applicant
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


(M. R. MOHANTY)
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL
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ORIGINAL APPLICATION NO.503 OF 2010
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CORAM:

HON'BLE MR. M.R. MOHANTY, VICE-CHAIRMAN
HON'BLE MR. C.R. MOHAPATRA, ADMN. MEMBER

.....

Sri Mangulia, aged about 65 years, S/o- Ratan, Vill-Tarasa, P.O-
Marjitarpur, Via/P.S-Jenapur, Dist-Jajpur, Retd. Bridge Khalasi office of
Deputy Chief Engineer, Construction, East Coast Railway, Jajpur,
Keonjhar Road.

..... Applicant

By the Advocate(s) M/s-N.R. Routray,
S. Mishra,
T.K. Choudhury

Vs.

1. Union of India, represented through the General Manager, East Coast Railway, Samanata Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
2. Senior Personnel Officer, Construction/Coordination, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
3. Deputy Chief Engineer (Con.), East Coast Railway, Jajpur-Keonjhar Road, At/PO-Jajpur Road, Dist-Jajpur.

..... Respondents

By the Advocate(s) Mr. S.K. Ojha

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ORDER
(Oral)

HON'BLE MR. M.R. MOHANTY, VICE-CHAIRMAN

Applicant claims that he was granted Temporary Status w.e.f. 01.01.1981. While continuing as Bridge Khalasi, he was regularized (retrospectively w.e.f. 01.04.1984) on 16.07.1992. He was given further regularization on 11.06.1999, w.e.f. 01.04.1988, as against 60% PCR sanction posts. ACP Scheme was introduced by Railway Board w.e.f. 01.10.1999 to grant stagnation benefit (to those who failed to get promotions for 12/24 long years) in terms of financial up-gradation. A Screening Committee (Conducted in January 2003) recommended that Applicant (and others) to get 1st Financial up-gradation w.e.f. 01.04.2000. However, the Respondent No.2 (on 30.01.2005) asked to review the matter in relation to the P.C.R. Staff and, on 22.06.2005, cancelled the order dated 08.10.2003 (in respect of the Applicant and some other) on the ground that they did not cover 24 years of service. Similarly placed several employees (as that of the Applicant) challenged the said action of the Respondents (before this Tribunal) in O.A. Nos.660/2005 and 663/2005; which were, virtually, allowed on 22.11.2007 by quashing the order dated 22.06.2005. Respondents unsuccessfully challenged the matter in the Hon'ble High Court in W.P(C) No.7429/2008, which was dismissed on 08.07.2008, virtually, confirming

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the order of this Tribunal. On 09.03.2009, the Applicant submitted a representation seeking extension of benefits of the order dated 22.11.2007 of this Tribunal rendered in O.A. Nos.660/2005 & 844/2005. Applicant, retired from service during December, 2009 and granted pension on grade pay of Rs.1900/- . Similarly placed Bridge Khalasies (as that of the Applicant) approached this Tribunal in O.A. No.639/2009; which was disposed of on 15.01.2010 and the Respondents granted 1st Financial up-gradation w.e.f. 01.10.1999 to the Applicant of the said case vide an order dated 19.03.2010. It is the case of the Applicant that (for the reasons expressed by the Hon'ble Apex Court rendered in the case of Union of India & Others Vrs. K.C. Sharma (reported in 2008(2) SCC (L&S) 783) and Moharaj Krishna Bhatt & Others Vrs. State of Jammu & Kashmir (reported in 1997 (7) SCC 721) this Tribunal need ask the Respondents to extend the benefit of other disposed of cases (of similarly placed persons) in favour of the present Applicant; although there has been a delay in approaching this Tribunal. Applicant has also relied on order dated 20.07.2010 of this Tribunal rendered in O.A. No.309/2009.

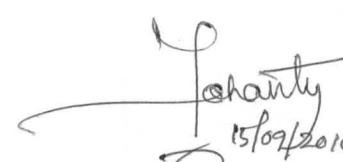
2. Having heard Mr. N.R. Routray, Ld. Counsel appearing for the Applicant and Mr. S.K. Ojha, Ld. Standing Counsel for the Railways (to whom a copy of this O.A. has already been supplied) and on perusal of the materials placed on record, we find that the grievances of

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the Applicant are fully covered by the orders already passed by this tribunal in the cases referred to by the Applicant and, therefore, without any waste of time, we dispose of this case by remitting this matter to the Respondents; who should pass a reasoned order (in terms of the orders already passed by this Tribunal in similar cases referred to by the Applicant) within a period of 60 days from the date of receipt of copies of this order, under intimation to the Applicant.

3. Send copies of this order to the Respondents (together with the copies of this O.A) by Registered Post at the cost of the Applicant. Free copies of this order be also supplied to the Ld. Counsel appearing for the parties.


(C. R. MOHAPATRA)
ADMINISTRATIVE MEMBER


15/09/2010
(M.R. MOHANTY)
VICE-CHAIRMAN