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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO.529 OF 2010
CUTTACK THIS IS THE 22ND DAY OF SEPT., 2010

A. Panda..... 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

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO.529 OF 2010
CUTTACK THIS IS THE 15th DAY OF SEPT., 2010

CORAM:

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

Sri Anama Panda, aged about 61 years, S/o- Late Chutia, Retired
Bridge Khalasi O/O-Deputy Chief Engineer/Construction/East
Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar,
Permanent resident of Vill./PO-Mantira, Via-Jakhapura, Dist-Jajpur.

..... Applicant

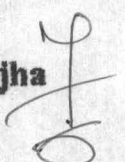
By the Advocate(s) M/s-N.R. Routray,
S. Mishra,
T.K. Choudhury

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.)/Head Quarter, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda.

..... Respondents

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



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ORDER
(Oral)

O.A. No.529/2010
22.09.2010

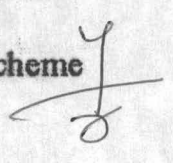
HON'BLE MR. M.R. MOHANTY, VICE-CHAIRMAN

Claiming benefits of 2nd financial up-gradation under the MACP Scheme w.e.f. 01.09.2008 the Applicant has filed the present Original Application No.529/2010 (on 13.09.2010) under Section 19 of the Administrative Tribunal's Act 1985, whereat he has prayed as under:-

" To direct the Respondents to grant 2nd financial up-gradation under the MACP Scheme w.e.f. 01.09.2008 by granting grade pay of Rs.2800/- and release the differential arrear salary, pension, DCRG, commuted value of pension and leave salary with 12% interest.

And pay any other order as this Hon'ble Tribunal deems fit and proper in the interest of justice;"

2. It is the case of the Applicant that he was granted Temporary Status w.e.f. 01.01.1981. While continuing as such, he was regularized (retrospectively w.e.f. 01.04.1988) as Bridge Khalasi in the scale of Rs.3050-4590/- vide order dated 11.06.1999 (Annexure-A/1). The Railway Board having issued MACP Scheme w.e.f. 01.09.2008 vide order dated 10.06.2009 (Annexure-A/3), the Applicant (who has already retired from service from April, 2010) has submitted a representation to the Respondents on 07.12.2009 (Annexure-A/4) to get 2nd financial up-gradation under the said MACP Scheme. In the meantime, the Applicant has retired from service since April, 2010. Without any response from the Respondents to get 2nd financial up-gradation under MACP Scheme



the Applicant has approached this Tribunal with the aforesaid prayers.

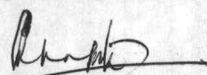
3. Heard Mr. N.R. Routray, Ld. Counsel appearing for the Applicant and Mr. S.K. Ojha, Ld. Standing Counsel for the Railways (to whom a copy of this O.A. has already been supplied) and perused the materials placed on record.

4. Since it is the positive case of the Applicant that his representation dated 07.12.2009 (Annexure-A/4) is still pending undisposed of with the Respondents, without any waste of time, we dispose of this case by remitting this matter to the Respondents, who should consider the grievance of the Applicant and do the needful/ and pass a reasoned order as due and admissible under the Rules/Scheme within a period of 90 days from the date of receipt of copies of this order, under intimation to the Applicant.

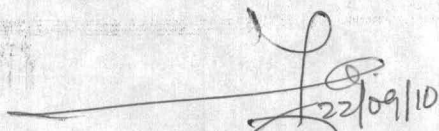
5. Send copies of this order to the Respondents (together with the copies of this O.A) by Registered Post at the cost of the Applicant. Mr. Routray, Ld. Counsel appearing for the Applicant undertakes to deposit the required postages in course of the day.

6. Free copies of this order be also supplied to the Ld.

Counsel appearing for the parties.



(C. R. MOHAPATRA)
ADMINISTRATIVE MEMBER

22/09/10

(M. R. MOHANTY)
VICE-CHAIRMAN