

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A.No.649 of 2010
Cuttack, this the 21st October, 2010

CORAM:
THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)

Mahadeb aged about 61 years, son of Late Narayan, Permanent resident of Village-Jharabanda, PO. Nimbabahali, Via-Meramundai, Dist. Dhenkanal, Retd. Technician (Welder) Gr.III/Engineering/Construction/East Coast Railway/Jajpur Keonjhar Road.

.....Applicant

By Legal Practitioner: M/s.N.R.Routray, S.Mishra, T.K.Choudhury, Counsel.

-Versus-

1. Union of India represented through the General Manager, East Coast Railway, Rail Vihar, Chandraekharpur, Bhubaneswar, Dist. Khurda.
2. Senior Personnel Officer, Construction/Coordination, East Coast Railway, Rail Vihar, Chandraekharpur, Bhubaneswar, Dist. Khurda.
3. Deputy Chief Engineer/Construction/East Coast Railway/Jajpur Keonjhar Road.

.....Respondents

By Legal Practitioner: Mr.S.K.Ojha, SC

ORDER

MR. C.R.MOHAPATRA, MEMBER (ADMN.):

According to Applicant while he was working as Technician (Welder) Gr.III/ Engineering./Construction/East Coast Railway/Jajpur Keonjhar Road, on reaching the age of superannuation of 60 years, he retired from service w.e.f. 30.6.2010. It is the grievance of the Applicant that his case squarely falls within the scope and ambit of the order of this Tribunal in OA No.185 of 2007 (disposed of on 08.04.2010) and 432 of 2008 (disposed of on 16.12.2008) to get the financial up-gradation under ACP scheme in Annexure-A/2 dated 01-10-1999. But in spite of representation dated 18.01.2010 for extension of the said benefit and despite his retirement on 30.6.2010, he has neither been granted the benefit of the ACP nor favoured with a reply on his representation. Hence by filing the present OA U/s.19 of the A.T. Act, 1985 he seeks direction to the Respondents to pay him the differential arrear salary from 1.10.1999 to 31.8.2008 by re-fixing his pay in the scale of Rs.4000-



6000/- and corresponding to Revision of scale of pay as per the 6th CPC with 12% interest.

2. Heard Mr.Routray, Learned Counsel for the Applicant and Mr.S.K.Ojha, Learned Standing Counsel for the Railway having received copies of the OA, appears on notice for the Respondents and perused the materials placed on record. It is seen that meanwhile nearly ten months from the date of making the representation by the applicant expired but it is a matter of great regret, that he has not been favoured with a reply. His positive case is that he is covered by the earlier order of this Tribunal but it is a matter to be first examined by the Respondents which has not been done, as it appears, so far. In view of the above, instead of keeping this matter pending awaiting the reply of the Respondents, I feel it just and proper to dispose of this OA at this admission stage, without expressing any opinion on the merit of the matter calling upon the Respondent No.2 (Senior Personnel Officer, Construction/Coordination, East Coast Railway, Rail Vihar, Chandraekharpur, Bhubaneswar, Dist. Khurda} to take a decision on the representation of the Applicant under Annexure-A/4, if not already taken by now, as early as possible preferably within a period of 45 days from the date of receipt of copy of this order keeping in mind the earlier orders of this Tribunal in OA Nos.185 of 2007 and 432 of 2008 respectively and communicate its decision in a well reasoned order to the Applicant. Ordered accordingly.

3. Send copies of this order along with OA to the Respondent No.2 for compliance.


(C.R. Mohapatra)
Member (Admn.)