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O.A. No. 658 of 2010

Mahadeb.....Applicant

Vs

Union of India & Ors....Respondents.

Order dated: 27.10.2010

CORAM:

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

Heard Sri N.R.Routray, Ld. Counsel for the applicant and Sri S.K.Ojha, Ld. Standing Counsel appearing for the Railways on notice, on whom a copy of this O.A. has already been served and perused the materials placed on record.

Applicant, a retired Technician (Welder) Gr.III under the East Coast Railways, has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking following reliefs:

“...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.”

It is the case of the applicant that his services were regularized retrospectively w.e.f. 01.04.1988 and as per the 6th Pay Commission's recommendation, he should

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have got 2nd financial up-gradation under MACP Scheme after completion of 20 years of regular service. Since the MACP Scheme is effective from 1.9.2008, the applicant filed a representation dated 18.01.2010 vide Annexure-A/4 before Respondent No.2 to grant him 2nd financial up-gradation w.e.f. 1.9.2008 and other consequential benefits, which is still pending.

Since the representation of the applicant is still pending as at Annexure-A/4, as agreed to by the Ld. Counsel for the parties, without going into the merits of the case, Respondent Nos. 2 and 3 are directed to consider the pending representation and pass a reasoned order within three months from the date of receipt of a copy of this order.

With the above observation and direction, the O.A. is disposed of at the stage of admission itself.

Send copies of this order, along with copy of the O.A., to Respondent No.2 and 3 by Speed Post at the cost of the applicant. Ld. Counsel for the applicant undertakes to deposit the required postages in course of the day.

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MEMBER (A)