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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

OA No.723 of 2010

Cuttack, this the 23<sup>rd</sup> November, 2010

Sudarsan Sethi .... Applicant

Versus

Union of India & Others .... Respondents

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CORAM

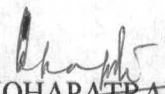
**THE HON'BLE MR. C.R. MOHAPATRA, ADMN. MEMBER**  
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Applicant was working as Khalasi under the Deputy Chief Engineer, Electrical/Construction/East Coast Railway/Bhubaneswar and retired from service w.e.f. 31.8.2007. After expiry of three years by <sup>filing</sup> ~~filing~~ the present Original Application he seeks direction to the Respondents to grant him 1<sup>st</sup> financial up-gradation under ACP scheme w.e.f. 01-10-1999 and for payment of consequential financial benefits. By filing MA No. 793 of 2010, for the reasons stated therein, he also seeks to condone the delay in filing this OA. Copies of the OA along with MA No. 793 of 2010 have already been served on Mr.S.K.Ojha, Learned Standing Counsel for the Railways, appearing on notice for the Respondents. Contention of the Applicant in this Original Application is that though he is entitled to 1<sup>st</sup> financial up-gradation w.e.f. 01.10.1999 he was not paid the same during his service career and even after his retirement despite representation dated 11.05.2009. No reply has also been communicated to him by the Respondents on his representation dated 11-05-2009(Annexure-A/4). Hence, it was submitted by Learned Counsel for the Applicant that he will be satisfied if direction is issued to the Respondents to consider the said representation (Annexure-A/4) and communicate the decision in a well reasoned order to him within a stipulated period. Mr.Ojha, Learned Standing Counsel for the Respondents submitted that he has no instruction whether any decision has been taken on the representation

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meanwhile. However, no serious objection<sup>was</sup> raised by him in regard to disposing of this OA with direction to the Respondents 2&3 to take a view on the Annexure-A/4 if not already taken meanwhile. In view of the above, without expressing any opinion on the merit of the matter as also on the question of limitation, this OA is disposed of at this admission stage with direction to the Respondents 2 & 3 to take a view on the pending representation of the applicant under Annexure-A/4 within a period of 60(sixty) days from the date of receipt of copy of this order and communicate the decision in a well reasoned order to the Applicant. With the aforesaid order MA No.798 of 2010 also stands disposed of.

Send copies of this order along with OA to the Respondents 2 & 3 and free copies of this order be given to Learned Counsel for both sides.

  
(C.R. MOHAPATRA)  
Member (Admn.)