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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

OA No.730 of 2010

Cuttack, this the 25th November, 2010

Naba Sahu Applicant

Versus

Union of India & Others Respondents

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THE HON'BLE MR. C.R. MOHAPATRA, ADMN. MEMBER
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It appears from the record that the Applicant, a trackman, retired from service on 31.03.2007 while working in the office of the Deputy Chief Engineer, Construction, ECoRailway, Cuttack. By filing the present OA on 23rd November, 2010 he challenges the action of the Respondents in not granting him 1st financial up-gradation under ACP Scheme w.e.f. 01-10-1999 which according to him he is entitled to under the scheme without explaining the delay either in this OA or through any separate application seeking condonation of delay. However, it is submitted by the Applicant that he made representation on 06.11.2009 (Annexure-A/4) but no decision has been taken/communicated by the Respondents to him. His stand is that the applicant's case stands in similar footing to that of the applicant in OA No.

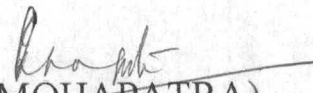
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138 of 2009 and as such a direction may be issued to the Respondents to take a view on the pending representation of the Applicant under Annexure-A/4. Copy of the OA has already been served on Mr.S.K.Ojha, Learned Standing Counsel for the Railways, appearing on notice for the Respondents.

2. It is the positive case of the Applicant that no reply has yet been communicated to him by the Respondents on his representation dated 06-11-2009 (Annexure-A/4) and as such 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 meanwhile. However, no serious objection was 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 by now. In view of the above, without expressing any opinion on the merit of the matter, 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.

3. Send copies of this order along with OA to the Respondents 2 & 3 at the cost of the Applicant for which Learned Counsel for the Applicant undertakes to furnish postal requisite by 26th instant after which free copies of this order be given to Learned Counsel for both sides.


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