

3
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 764 OF 2010
Cuttack this the 3rd Day of December, 2010

CORAM:

**HON'BLE SHRI C.R.MOHPANTRA,ADMINISTRATIVE MEMBER
AND
HON'BLE SHRI A.K.PATNAIK, JUDICIAL MEMBER**

...

**Sukanta Moharana...Applicant
-VERSUS-
Union of India & Ors. ...Respondents**

ORDER

1. Heard Shri N.R.Routray, learned counsel for the applicant and Shri S.K.Ojha, learned Standing Counsel, on whom a copy of this O.A. has already been served, appearing on behalf of the Respondent-Railways on the question of admission and perused the materials on record.
2. The applicant is at present working as a Technician Gr.II under the Respondent-Railways. His case is that he had been granted Temporary Status as Sk.Sarang, Gr.II w.e.f. 01.01.1981 in the scale of Rs.290-500/- revised to Rs.1200-2040/- and Rs.4000-6000/- based on the recommendations of 4th and 5th Central Pay Commission respectively. According to him, his service was regularized as Oldercum/Gas Cutter Gr.II retrospectively, i.e., with effect from 01.04.1990 as against 60% PCR post in the scale of Rs.4000-6000/- vide order dated 30.11.2001. His grievance is that although from 01.01.1981 to till date he has been working in the post of Gr.II/Technician, Gr.II without availing any regular promotion, yet he is not being granted the benefit of 1st financial up-gradation under the A.C.P. Scheme, to which he is entitled to with effect from 1.10.1999, having completed more than 12 years

qualifying/regular service in the grade of Gr.II/Technician Gr.II. Hence, by filing the present Original Application, the applicant has sought for the following relief.

"To direct the Respondents to grant financial up-gradation w.e.f. 01.10.1999 under the ACP Scheme by extending benefit of order dated 20.07.2010 under Annexure-A/3 and direct the Respondents to pay the differential arrear salary w.e.f. 1.10.1999 by enhancing the scale from Rs.4000-6000/- to Rs.4500-7000/-".

3. During the course of hearing on admission, learned counsel brought to the notice of the Tribunal representation dated 2.08.2010 (Annexure-A/5) made by the applicant to the Senior Personnel Officer/Con./Coordination, East Coast Railway, Bhubaneswar (Respondent No.2) and submitted that the point in issue raised herein being no more res integra in view of the decision of this Tribunal in O.A.No.309/2009 disposed of on 20.07.2010 and the present applicant being similarly circumstanced as that of the O.A.309/2009 (supra), the Respondent-Railways be directed to look into the matter in the light of the decision of this Tribunal in the aforesaid O.A.

4. We have considered the submissions made by the learned counsel for both the sides. Since the applicant has brought before the Respondent-Department all the facts as narrated above vide his representation dated 2.8.2010(Annexure-A/5) which has not yet been disposed of, in the aptness of things, it would be proper if Respondent No.2 is directed to consider and dispose of the pending representation of the applicant having regard to the decision of this Tribunal in O.A.No.309/2009 and pass a reasoned and speaking order within a period of three months from the date of receipt of this order, under intimation to the applicant.

Ordered accordingly.

5. With the above observation and direction, this O.A. is disposed of at the stage of admission itself. No costs.

6. Send copies of this order along with copies of the O.A. to Respondent Nos. 2 and 3 (as undertaken by the learned counsel, at the cost of the applicant) for compliance.

7. Free copies of this order be made over to the learned counsel for the parties.


(A.K.PATNAIK)
JUDICIAL MEMBER


(C.R.MOHAPATRA)
ADMINISTRATIVE MEMBER