

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.NO.825 OF 2010
Cuttack this the 5th day of September, 2012

CORAM:

THE HON'BLE MR. C.R.MOHAPATRA, MEMBER(A)
AND
THE HON'BLE MR. A.K.PATNAIK, MEMBER(J)

.....
Giridhari, aged about 64 years, Son of late Nabaghana, At/PO-Mantira, Dist-Jajpur, Orissa – Retd.Trackman, Office of Deputy Chief Engineer/Construction/East Coat Railway, Station Bazar/Cuttack

...Applicant

By the Advocates:M/s.N.R.Routray, S.Mishra & T.K.Choudhury

-versus-

1. Union of India represented through the General Manager, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
2. Chief Administrative Officer (con), East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
3. Senior Personnel Officer, Construction/Coordination, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
4. Deputy Chief Engineer/Construction/East Coast Railway, Station Bazar, Dist-Cuttack

...Respondents

By the Advocates:Mr.B.K.Mohapatra, ASC

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O R D E R

C.R.MOHAPATRA, MEMBER(A):

Applicant, a retired Railway employee has moved this

Tribunal seeking the following relief.

“To direct the Respondents to grant 2nd financial up-gradation w.e.f. 1.10.1999 to the scale of Rs.3050-4590/- and grant consequential benefits, i.e., differential arrear salary, DCRG, Commuted value of pension, leave salary and pension with 12% interest”.

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2. Respondent-Railways have filed their counter opposing the prayer of the applicant.

3. Applicant has filed a rejoinder stating therein that his case is covered by the earlier decisions of this Tribunal in O.A.No.320/2008 (Fagu Sahoo Vrs Union of India and others) and OA No. 247/2010 (Banamali Vrs Union of India and others).

4. It is the specific stand of the Applicant that this Tribunal after going through the clarification/instruction dted 28.12.2004 and 31.1.2005 allowed the above mentioned two OAs by directing the Respondents to grant the said applicants 1st and 2nd financial up gradation in the scale of Rs.2650-4000/- and Rs.3050-4590/- w.e.f. 1.10.1999 and that the present case being similar to the above case the Respondents may be directed to examine the case of the applicant in the light of the earlier decisions and grant him the benefit as due and admissible to him. This was objected to by Mr. Mohapatra, Learned Counsel appearing for the Respondents by stating that the similarity of the present case with the earlier OAs needs to be examined.

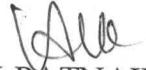
5. Since the essence of the argument of the Applicant's Counsel is reexamination of the case of the Applicant by the Respondents in the light of the earlier decisions of the Tribunal, referred to above, we do not see any prejudice would be caused to the Respondents if we dispose of this OA with direction to the Respondents to examine the case of the applicant in the light of the

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earlier decision of the Tribunal and pass a speaking order on the entitlement of the benefits as prayed for in this OA within a reasonable time, say within two months hence. Ordered accordingly.

No costs.


(A.K.PATNAIK)
MEMBER(JUDL.)


(C.R.MOHAPATRA)
MEMBER (ADMN.)