

3  
O.A. No. 126/2011

ORDER DATED 11<sup>th</sup> MARCH, 2011

S. Appanna ..... **Applicant**  
Vrs.  
Union of India & Others ..... **Respondents**

Coram:

HON'BLE MR. C.R. MOHAPATRA, MEMBER ADMN.  
&  
HON'BLE MR. A.K. PATNAIK, MEMBER JUDL.

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

2. The contention of the applicant is that he is entitled to 1<sup>st</sup> financial up-gradation under ACP Scheme w.e.f. 01.10.1999. Since the same has not been allowed he has approached this Tribunal, Particularly after this Tribunal gave an order dated 17.09.2010 in O.A. No.521/2010 exactly in a similar situation. This is not disputed by the Ld. Standing Counsel appearing for the Respondents.

The applicant also submits that his representation at Annexure-A/5 is pending with Respondent No.2. Hence he prays to direct the Respondent No.2 to consider the pending representation of the applicant at Annexure-A/5 and to pass a reasoned order regarding grant of 1<sup>st</sup> financial up-gradation under ACP Scheme w.e.f. 01.10.1999, as prayed by him in this O.A.

3. Having regard to the submissions made and as agreed to by the Ld. Counsel for the parties, without going into the merit of the case we dispose of this O.A. by directing Respondent No.2 to consider and dispose of the pending representation vide Annexure-A/5 and pass a reasoned order as per rule regarding grant of 1<sup>st</sup> financial up-gradation under ACP Scheme w.e.f. 01.10.1999 as prayed by him. The pending representation shall be decided after taking into consideration the facts of the case and in the light of the order of this Tribunal dated 17.09.2010 rendered in O.A.521/2010 and communicate their decision to the applicant within three months from the date of receipt of the copy of this order.

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

5. Send a copy of this order along with copy of the O.A. to Respondents No.2, 3 & 4 (by Regd. Post at the cost of the applicant) for compliance and free copies of this order be made over to the Ld. Counsel for the parties.

6. Sri N.R. Routray, Ld. Counsel for the applicant undertakes to deposit the postal requisites by Monday 14/3/2011.

*Al*  
MEMBER JUDL.

*Al*  
MEMBER ADMN.