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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.163 of 2011

&

O.A.No.172 of 2011

Cuttack, this the 26th day of September, 2012

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THE HON'BLE MR.C.R.MOHAPATRA, MEMBER(ADMN.)

And

THE HON'BLE MR.A.K.PATNAIK, MEMBER(JUDL.)

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1. OA No. 163 of 2011:

Sri A.S.V.N.Murty, Aged about 48 years, Son of A.S.V.Rao, at present working as a Senior Travelling Inspector of Accounts, Station Inspection Section, Office of Deputy Chief Accounts Officer (Traffic), East Coast Railway, Chandrasekharpur, Bhubaneswar.

.....Applicant

By legal practitioner-M/s. N.R.Routray, S.Mishra,

T.K.Choudhury, Counsel.

-Versus-

1. Union of India represented through the Secretary, Railway Board, At:Rail Bhawan, New Delhi-110 001.
2. Director, Pay Commission V, Railway Board, At-Rail Bhawan, New Delhi-110 001.
3. General Manager, East Coast Railway, E.Co.R Sadan, Chandrasekharpur, Bhubaneswar, Dist. Khurda.
4. Financial Advisor & Chief Accounts Officer, East Coast Railway, E.Co.R Sadan, Chandrasekharpur, Bhubaneswar, Dist. Khurda.
5. Dy. Financial Advisor and Chief Accounts Officer (G), East Coast Railway, E.Co.R Sadan, Chandrasekharpur, Bhubaneswar, Dist.Khurda and Chairperson of MACP Committee.
6. Chief Personnel Officer, East Coast Railway, E.Co.R Sadan, Chandrasekharpur, Bhubaneswar.
7. Deputy Chief Accounts Officer (Traffic), East Coast Railway, Chandrasekharpur, Bhubaneswar.

.....Respondents.

By legal practitioner - _Miss.S.L.Patnaik, Counsel

2. OA No. 172 of 2011.

Smt. Ch. Sobha Rao, aged about 48 years, W/o.Ch.V.Rao at present working as a Senior Section Officer (A), O/O. Senior Divisional Financial Manager, Waltair Division, East Coast Railway, Dondaparthi, Visakhapatna, Andhra Pradesh.

....Applicant



By legal practitioner-M/s. N.R.Routray, S.Mishra,
T.K.Choudhury, Counsel.

-Versus-

1. Union of India represented through the Secretary, Railway Board, At:Rail Bhawan, New Delhi-110 001.
2. Director, Pay Commission V, Railway Board, At-Rail Bhawan, New Delhi-110 001.
3. General Manager, East Coast Railway, E.Co.R Sadan, Chandrasekharpur, Bhubaneswar, Dist. Khurda.
4. Financial Advisor & Chief Accounts Officer, East Coast Railway, E.Co.R Sadan, Chandrasekharpur, Bhubaneswar, Dist. Khurda.
5. Dy. Financial Advisor and Chief Accounts Officer (G), East Coast Railway, E.Co.R Sadan, Chandrasekharpur, Bhubaneswar, Dist.Khurda and Chairperson of MACP Committee.
6. Chief Personnel Officer, East Coast Railway, E.Co.R Sadan, Chandrasekharpur, Bhubaneswar.
7. Senior Divisional Financial Manager, Waltair Divison, East Coast Railway, Dondaparthi, Visakhapatna, Andhra Pradesh.

.....Respondents.

By legal practitioner - _Mr.B.B.Pattanaik, Counsel

ORDER

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

In so far as **OA No. 163 of 2011** is concerned, according to the Applicant, vide order No.P/388/87 dated 02-09-1987, he was appointed as a Junior Stenographer in the pay scale of Rs.1200-2040/-. He submitted his option to switch over to the post of Junior Account Assistant (JAA). For this purpose, he was called to appear at the Appendix IIA Examination and after being successful in the said examination he switched over as Junior Accounts Assistant carrying the same scale of pay i.e. Rs.1200-2040 vide Office Order No. 38/1993 dated 11.08.1993. Thereafter, he was promoted to the post of Accounts Assistant in the scale of pay of Rs.1400-2600/- w.e.f. 22.04.1994 vide Office Order No. 30/94 dated 20.07.1994. Again he was promoted to the post of TIA in the scale of Rs.1640-2900/- vide Office Order No.



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11/96/77 dated 24.04.1996 and to the post of Senior TIA vide Order No. TA/78/2000 dated 28.09.2000 in the scale of pay of Rs.6500-10500/- .Copies of the orders, cited above, have been placed at Annexure-A/1 series to the OA. According to him, though he is entitled to the financial up gradation under MACP scheme he has not been granted the same. Hence by filing the instant OA, he has prayed to direct the Respondents to grant him 3rd financial up gradation under MACP Scheme by granting him GP of Rs.5400/- retrospectively w.e.f. December, 2008 after quashing the orders dated 04.03.2010 & 18.10.2010 at Annexure-A/6 & A/9 respectively. He has also prayed to direct the Respondents to pay him the differential arrear salary with 12% interest.

2. Similarly, it is the case of the Applicant in **OA No. 172 of 2011** that vide Office order No. 272/1982, she was appointed as a Junior Stenographer in the pay scale of Rs. 330-560/-. She opted to come over to the cadre of Junior Account Assistant (JAA) for which she had appeared the Appendix IIA examination held in the month of December, 1983. After being declared pass in the said examination, she was brought to the cadre of JAA in the pay scale of Rs. 330-560/- vide Office Order No. 1145 dated 21.11.1984. She was approved for promotion to Accounts Assistant carrying the scale of Rs.1400-2600/- vide Office Order No. 195 dated 18.12.1987. Thereafter, she was promoted to the post of Section Officer (Accounts) in the scale of pay of Rs.1640-2900/- and Senior Section Officer vide order No.11/92/301 dated 02.09.1992. According to

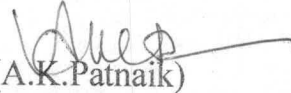
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her, she is entitled to financial up gradation under MACP which has not been granted. Hence by filing the instant OA, she has prayed to direct the Respondents to grant her 3rd financial up gradation under the MACP Scheme by granting grade pay of Rs.5400/- w.e.f. 01.09.2008, after quashing the order dated 04.03.2010 and 18.10.2010 at Annexure-A/6 and A/9. Also she has prayed to direct the Respondents to pay 12% interest on the arrears consequent upon grant of financial up gradation w.e.f. 01.09.2008.

3. Two separate counters have been filed by the Respondents contesting the cases of both the Applicants. The main contention of the Respondents is that the basic aim to introduce the Scheme either ACP or MACP is to mitigate the financial hardship caused to an employee due to stagnation. As per the Scheme, an employee is entitled to three financial benefits through out his/her service career; first after completion of 10 years, second after completion of 20 years and third one is after completion of 30 years regular service if he/she has not got any promotion meanwhile. In the instant cases, as the Applicants have already got three promotions as per the Scheme as also Rules/instructions, the Applicants are not entitled to the benefits claimed by them in both the OAs. Hence, the Respondents have prayed that both the OAs being devoid of any merit are liable to be dismissed.

4. Heard Mr.N.R.Routray, Learned Counsel for the Applicants (in both the OAs), Miss. S.L.Patnaik & Mr.B.B.Patnaik, Learned Counsel

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appearing for the Respondents. At the out set, Mr. Routray, Learned Counsel for the Applicants submitted that there is no need to go deep into the matter as the facts/issues involved in both the OAs have already been decided by this Tribunal in order dated 27th July, 2012 in OA No. 153 2011 (Satis Gadi V Union of India and others) and, therefore, Mr. Routray, Learned Counsel for the Applicants prayed to direct the Respondents to grant the financial benefits as prayed for in these OAs. We have gone through the facts and issues involved and decided in OA No. 153 of 2011 vis-à-vis the instant OAs. We find no reason to make a departure from the view already taken in OA No. 153 of 2011 in so far as the present Applicants are concerned. Hence both the OAs are disposed of with direction to consider grant of the benefits as prayed for by the applicants in the instant OA in the light of the order passed in OA No. 153 of 2011 and pass a well reasoned order and communicate the same to the Applicant within a period of 60(sixty) days from the date of receipt of copy of this order. There shall be no order as to costs.


(A.K. Patnaik)
Member (Judicial)


(C.R. Mohapatra)
Member (Admn.)