3

O.A. No.305/2011

ORDER DATED 16th OF MAY, 2011

Atulya Behera..... .....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. This Original Application has been filed by the applicant with the following prayer :-

> " ...To direct the Respondents to grant 2nd financial up gradation under the MACP scheme to the applicant w.e.f. 01.09.2008 by granting grade pay of Rs.2800/- and release the differential arrear salary, pension, DCRG, commuted value of pension and leave salary with 12% interest."

3. Sri Routray, Ld. Counsel for the applicant submits that the contention of the applicant is that he is entitled to 2nd financial up gradation under the MACP scheme w.e.f. 01.09.2008 and consequential benefits. He also cited similar cases where in pursuance to the order of this Tribunal the Railway Administration has already granted the benefits of 2nd financial up gradation under the MACP scheme. Sri Routray, submits that on the above prayer the applicant has submitted representation dated 17.01.2011 Annexure- A/5 indicating all the facts and the related orders of this Tribual regarding grant of such financial up gradation under the MACP scheme. His contention is that the case of the applicant ~~is~~ being similar to those

who have already received the benefits should also be granted the same benefits w.e.f. 01.09.08 ~~to the applicant~~ and also the consequential benefits. The said representation is pending before Respondent No.2 for disposal. Having received no response, the applicant has approached this Tribunal by filing the present O.A. Since the representation of the applicant is pending before the Respondent No.2, he prays to direct the Respondent No.2 to consider the pending representation of the applicant at Annexure-A/5 and pass a reasoned order in terms of Rules/Directions/ Guidelines within a specified time.

4. 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 at this stage it is considered that ends of justice will be met by directing Respondent No.2 to consider and dispose of the pending representation vide Annexure-A/5 and pass a reasoned order within a period of two months from the date of receipt of copy of this order. Ordered accordingly.

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

6. Send 4 copies of this order along with copies of the O.A. to Respondents No.2 & 3 by Registered 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.

7. Sri Routray, Ld. Counsel for the applicant undertakes to deposit the postal requisite by day after tomorrow.

MEMBER JUDL. MEMBER ADMN.

K.B