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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O.A No. 18 of 2009
Cuttack, this the 23rd day of March, 2011

CORAM:

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

Duryodhan Mahanta, aged about 54 years, son of Gobardhan, at present working as Senior Trackman under Senior Section Engineer (Works), East Coast Railway, Dist. Khurda.

.....Applicant

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

-Versus-

1. Union of India represented through the General Manager, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist. Khurda.
2. Senior Divisional Personnel Officer, East Coast Railway, Khurda Road Division, At/Po-Jatni, Dist. Khurda.
3. Senior Divisional Engineer (Co-ordination), East Coast Railway, Khurdas Road Division, At/Po-Jatni, Dist. Khurda.
4. Senior Personnel Officer, Construction/Coordination, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist. Khurda.
5. Dy. Chief Engineer/Construction, ECoRailway, Jajpur-Keonjhar Road, Dist. Jajpur.

....Respondents

By legal practitioner: Mr.T.Rath, Counsel

ORDER

The prayer of the Applicant in this Original

Application filed under section 19 of the A.T. Act, 1985 is to direct the Respondents to grant 2nd financial up-gradation under ACP w.e.f. 15.02.2008 to the scale of Rs.3050-4590 and to pay him the differential arrear salary. Respondents, by placing on record a copy of the order dated 20.12.2010 as Annexure-R/1, in paragraph 9 of their counter have brought to the notice of this Tribunal that

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during the pendency of this OA the competent authority i.e. Sr.DEN (Co-ordination), ECoRly, Khurda has approved the proposal for grant of second financial up-gradation with effect from 16.02.2007 in favour of the applicant and accordingly the ADEN (Settlement) Khurda has issued the office order NO. 49/2010 dated 20.12.2010 allowing one financial up-gradation to the applicant to the grade of Rs.3050-4590/- . In view of the above, the Respondents have prayed that, there ~~having no~~ ^{being no} issue ~~remains~~ further to be adjudicated in this OA, this OA may be dismissed for being infructuous.

2. Heard Learned Counsel for both sides and perused the materials placed on record including the order placed at Annexure-R/1 by the Respondents in their counter. Learned Counsel for the Applicant is satisfied by the order under Annexure-R/1 but has stated that since the applicant has not been paid the differential arrear salary out of the up-gradation under ACP the Respondents may be directed to release his dues within a specified time. Respondents' counsel seeks three months time to settle the dues of the Applicant which was objected to by the Learned Counsel for the Applicant. But considering all aspects of the matter, we deem it fit and proper to allow the Respondents

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two months time to release all the dues so arrived at out of the order under Annexure-R/1 in favour of the applicant.

3. With the aforesaid observation and direction this OA stands disposed of. No costs.

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(A.K.PATNAIK)
Member (Judicial)

Ch
(C.R.MOHAPATRA)
Member (Admn.)