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O.A. No.404/2011

ORDER DATED 28th OF JULY, 2011

M. Dei & Others 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 applicants and Sri S.K. Ojha, Ld. Standing Counsel appearing on notice for the Respondents/Railways on whom a copy of this O.A. has already been served and perused the materials placed on record.

2. M.A. No.540/11 for joint prosecution of the case is allowed.

3. This Original Application has been filed by the applicants with the following prayer:-

“(i) To direct the Respondents to pay the differential arrear salary arises out of grant of 1st & 2nd financial upgradation under MACP Scheme vide Annexure-A/3, A/4 & A/5.”

4. It is the case of the applicants that they originally belong to employees of construction organization. As per the recommendations of 6th CPC, the ACP Scheme modified by the Railway Board vide RBE No.101/2009 was issued known as MACP for the railway employees. As no action was taken by the Respondents for grant of 1st & 2nd financial upgradation under MACP the applicants had earlier approached this Tribunal by filing O.A. 349/09. This Tribunal in its order dated 17.03.2010 disposed of the said O.A. with

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direction to the Respondents to dispose of the representations with a reasoned order. Respondent No.3 in compliance with the said order of Tribunal granted 1st & 2nd financial upgradation in favour of the applicants without paying the differential arrear salary.

According to the Ld. Counsel for the applicants, although the applicants are entitled to the differential arrear salary arising out of grant of 1st & 2nd financial upgradation under MACP Scheme the same having not been extended, they have submitted representations vide Annexure-A/1 series to Respondent No.3. Since the applicants could receive no response, they have moved this Tribunal in the present O.A. with the prayers as referred to above.

5. During the course of hearing on admission Ld. Counsel for the applicants submitted that in the fitness of things a direction may be issued to Respondent No.3 to consider and dispose of the pending representations vide Annexure-A/1 series. Ld. Counsel for the Respondents has no objection to this.

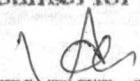
6. Hence, as agreed to by the Ld. Counsel for the parties, without going into the merit of the case, Respondent No.3 is directed to consider and dispose of the pending representations vide Annexure-A/1 series and pass a speaking & reasoned order keeping in mind the sanction orders vide Annexure-A/3, A/4 & A/5 in so far as grant of MACP is concerned within a period of 45 days from the date of receipt of copy of this order under intimation to the applicants. However, it is made clear that if the applicants are entitled to arrears accrued due to grant of MACPS, the same may be granted to them at the earliest.

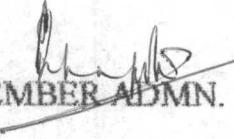
7. With the above observation and direction, this O.A. is disposed of at the admission stage itself. No costs.

8. Send copies of this order along with copies of the O.A. to Respondents No.2 to 8 for compliance by speed post at the cost of

the applicant and to this effect Sri N.R. Routray, Ld. Counsel for the applicant undertakes to deposit the postal requisites by Monday (01.08.2011).

9. Free copies of this order be also made over to the Ld. Counsel for the parties.


MEMBER JUDL.


MEMBER ADMN.

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