

3

**O.A. No. 444 of 2011**

Gayadhar.....Applicant

Vs

Union of India & Ors..... Respondents

**Order dated: 14.07.2011**

**CORAM:**

**Hon'ble Shri C.R.Mohapatra, Member (Admn.)**

**&**

**Hon'ble Shri A. K. Patnaik, Member(Judl.)**


Heard Mr. N.R.Routray, Ld. Counsel for the  
applicant and Mr. S.K.Ojha, Ld. Standing Counsel  
appearing for the Respondent-Railways, on whom a copy of  
this O.A. has already been served.

2. By filing the present O.A., the applicant has  
made following prayers:

"i) To direct the respondent to  
grant 1<sup>st</sup> and 2<sup>nd</sup> financial upgradation  
under MACP Scheme w.e.f. 01.09.2008  
at Grade Pay of Rs. 1900/- and Rs.  
2000/-.

ii) And direct the Respondents  
to pay the differential arrear salary for  
the period from 1.09.2008 to 31.01.2011,  
DCRG, Commuted Value of Pension,  
Leave Salary and arrear pension with  
12% interest."

3. The applicant in this O.A. has enclosed all the  
necessary circular/instructions issued by the Govt. of India



4  
consequent to the decision taken on the recommendation of the 6<sup>th</sup> Pay Commission by the Govt. of India.

4. Ld. Counsel for the applicant submits that ventilating his grievance, the applicant has also filed representation vide Annexure-A/4 dated 14.02.2011 before Respondent No.3, which is still pending.

5. Since the representation of the applicant as at Annexure-A/4 is pending with Respondent No.3, we, at this stage, without entering into the merit of the case, deem it proper to send the case before the competent authority to take a decision first on the pending representation. As agreed to by the Ld. Counsel for the parties, we direct Respondent No. 3 to consider the pending representation and pass a reasoned order within 60 days from the date of receipt of copy of this order.


6. In case, the competent authority finds that the claim of the applicant under Annexure-A/3 is admissible under the Rules/Instructions then he should be paid the consequential benefits arising out of the grant of MACP within two months thereafter to avoid hardship to the applicant.

R

5  
7. With the above observation and direction, the  
O.A. stands disposed of.

8. Send copy of this order to Respondent No. 3  
and 4 at the cost of the applicant. Ld. Counsel for the  
applicant undertakes to deposit the postal requisites in  
course of the day.

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

  
MEMBER (Judl.)

  
MEMBER (Admin.)

RK