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O.A. No.468/2011

ORDER DATED 22<sup>nd</sup> OF JULY, 2011

Manoranjan Mishra ..... 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 Achintya Das, Ld. Counsel for the applicant 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. This Original Application has been filed by the applicant with the following prayer:-

- “(i) To direct the Respondents to grant the applicant up-gradation of scale of pay as per the MACP Scheme w.e.f. 01.09.2008;
- (ii) To direct the Respondents to pay him the differential arrears in view of the financial up-gradation under MACPS retrospectively forthwith;
- (iii) To direct the Respondents to pay the applicant interest at the rate of 18% on his arrear dues;”

3. It is the case of the applicant that he joined erstwhile S.E. Railway as Sr. Clerk (Clerk Gr.I) on 24.07.87 and thereafter as UDC on 02.04.90 in Railway Claims Tribunal (RCT), Bhubaneswar Bench. During the course of his employment in Railway Claims Tribunal, Bhubaneswar Bench, the applicant was promoted to the post of Chief Clerk/OS Gr.II on 12.07.09 in the scale of Rs.16002660/- w.e.f. 27.05.93 and was treated as regular in that post. According to him, although he is entitled to the benefit of MACP which has been granted

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persons

to similarly circumstances, the same having not been extended in his favour, he has submitted a representation dated 08.12.2010 vide Annexure-A/4 to Respondent No.3. Since the applicant has not yet received any response, by filing the present O.A. he has sought the relief as referred to above.

4. During the course of hearing, the Ld. Counsel for the applicant submitted that in the fitness of things a direction may be issued to Respondent No.3 to consider and dispose of the pending representation of the applicant vide Annexure-A/4. Ld. Counsel for the Respondents has no objection to this.

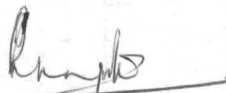
5. Hence, as agreed to by the Ld. Counsel for the parties, without going into the merit of the case at this stage Respondent No.3 is directed to consider and dispose of the pending representation vide Annexure-A/4 and pass a reasoned order within a period of 45 days from the date of receipt of copy of this order under intimation to the applicant.

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

7. Send copies of this order along with copies of the O.A. to Respondents No.3 & 4 by special messenger (at the cost of the applicant) for compliance and to this effect Sri Achintya Das, Ld. Counsel undertakes to deposit the special messenger cost in course of the day.

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

  
MEMBER JUDL.

  
MEMBER ADMN.