

O.A. No. 550 of 2011

Maina @ Maina Hembram.....Applicant

Vs

Union of India & Ors.....Respondents

Order dated: 23.08.2011

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 respondents to grant 1st and 2nd financial upgradation under MACP Scheme w.e.f. 01.09.2008 and pay the consequential benefits in the revised Grade Pay i.e., differential arrear salary, Leave Salary, DCRG, Commuted Value of Pension, and pension with 12% interest for the delayed period.”

3. The applicant in this O.A. has enclosed all the necessary circular/instructions issued by the Govt. of India consequent to the decision taken on the recommendation of the 6th Pay Commission by the Govt. of India.



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4. Ld. Counsel for the applicant submits that ventilating his grievance, the applicant has also filed representation vide Annexure-A/4 dated 15.11.2010 before Respondent No.2, which is still pending.

5. Since the representation of the applicant as at Annexure-A/4 is pending with Respondent No.2, 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. 2 to consider the pending representation and pass a reasoned order within 90 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/4 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.


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

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8. Send copy of this order, along with copy of the O.A., to Respondent Nos. 2, 3, 4 and 5 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 (Admn.)

RK