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## O.A. No. 576 of 2011

Murali.....Applicant

Vs

Union of India & Ors.....Respondents

Order dated: 07.09.2011

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, who has already received a copy of this O.A.

2. The claim of the applicant is to get 2<sup>nd</sup> financial upgradation under ACP Scheme from 01.10.1999. He has cited the case of one Sri Fagu Sahoo, who has got benefits in terms of the orders passed by this Tribunal in O.A. 320/08. The contention of the Ld. Counsel for the applicant is that the cases being similar and the applicant being similarly circumstanced and having made a representation at Annexure-A/7 on 14.03.2011, he is entitled to the benefits as has been given to Sri Fagu Sahoo. This representation addressed to Respondent No. 3 has still not been decided by the Respondents. Accordingly, the Ld. Counsel for the



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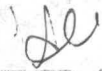
applicant submits that a direction may be issued to the Respondent No.3 to consider the pending representation and pass a reasoned order within a specific time frame.

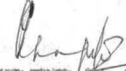
3. Without entering into the merit of the case and as agreed to by the Ld. Counsel for the parties, we dispose of this O.A. with a direction to Respondent No. 3 to consider the pending representation, taking into account the orders of this Tribunal in O.A. 320/08, for according 2<sup>nd</sup> financial upgradation to the applicant w.e.f. 01.10.1999. The decision should be taken and communicated to the applicant within a period of 60 days from the date of receipt of a copy of this order.

4. In case, it is decided by the Respondents that the applicant is entitled to the benefits in terms of the ~~earlier~~ orders of this Tribunal then not only the 2<sup>nd</sup> financial upgradation will be given to the applicant from 01.10.1999 but also the consequential benefits arising out of the 2<sup>nd</sup> ACP should be released to the applicant within three months thereafter.

5. With the above observation and direction, this O.A. stands disposed of at the stage of admission itself.

6. Send copies of this order, along with copy of the O.A., to Respondent Nos. 3, 4 and 5 by Speed Post at the cost of the applicant. Ld. Counsel for the applicant undertakes to deposit the postal requisites by 08.09.2011.

  
MEMBER (Judl.)

  
MEMBER (Admn.)

RK