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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.NO.881 of 2011
Cuttack this the 30th day of July, 2015
CORAM
HON'BLE SHRI A.K.PATNAIK, MEMBER(J)
HON'BLE SHRI R.C.MISRA, MEMBER(A)

Manoranjan Mishra
Aged about 47 years
S/o. late Mrutyunjaya Mishra
Working for gains as Office Superintendent
Railway Claims Tribunal
Bhubaneswar Branch
Permanent resident of Village-Ichhapur
PO/Dist-Kendrapara-754 211

...Applicant

By the Advocate(s)- M/s.G.Rath
B.K.Nayak-3
S.Rath
D.K.Mohanty

-VERSUS-

Union of India represented through

1. The General Manager
ECRly
Rail Bhawan
Chandrasekharpur
Bhubaneswar
Dist-Khurda
2. The Divisional Railway Manager(P)
ECoRly
Khurda Division
Jatni
3. The Senior Divisional Personnel Officer
ECoRly



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Khurda Road
Jatni
Dist-Khurda

4. The Chairman
Railway Claims Tribunal
13/15, Mall Road
Delhi-110 054
5. The Member(Technical)
Railway Claims Tribunal
OFDC Building (Second Floor), A/84
Kharvel Nagar
Bhubaneswar-751 001
6. The Additional Registrar
Railway Claims Tribunal
OFDC Building (Second Floor), A/84
Kharvel Nagar
Bhubaneswar-751 001

...Respondents

By the Advocate(s)-Mr.S.K.Ojha
M/s.N.Patra
A.K.Patra
Ms.B.N.Shadangi

ORDER

A.K.PATNAIK, MEMBER(J):

Presently, applicant is working as Office Superintendent, Railway Claims Tribunal, Bhubaneswar. Grievance of the applicant in this Original is against non-accordance of benefit under the MACP Scheme. Therefore, he has prayed for direction to be issued to Respondent Nos.1, 6 and 7 to grant him the financial upgradation under the MACP by quashing the order under Annexure-A/7.



2. On being noticed, Respondents have filed their counter opposing the prayer of the applicant.

3. We have heard Mr.D.K.Mohanty, learned counsel for the applicant and Mr.S.K.Ojha, learned Panel counsel for the Railways and perused the records. During the course of hearing, Mr.Ojha brought to our notice a communication dated 30.5.2014 addressed to the Additional Registrar, Mr Railway Claims Tribunal (Res.No.6) by the Asst. Personnel Officer(C&S) in the office of Divisional Railway Manager(P), East Coast Railway, Khurda, the text of which reads as under.

"Sub: Fixation of MACP in favour of Sri Monoranjan Mishra, OS, RCT/BBS

Ref: Your letter No.RCT/BBS/15/130 dated 28.04.2014

With reference to your letter cited above it is informed that the lien of Sri Monoranjan Mishra, OS/RCT/BBS has been cut off from this division as per Addl.Registrar, RCT/BBS's letter No.RCT/BBS/15/442/95 dated 26.12.95. However, it has been decided by the competent authority that Sri Monoranjan Mishra, OS(ad-hoc) whose lien is to be continued in Personnel branch of KUR division will have to be returned back to KUR division and the benefit of MACP and other consequential benefits should be extended to him, if found eligible on par with his immediate junior.

As such it is requested to release Shri Monorajnan Mishra to join to this office so that further service benefits can be extended to him. Till such time the service record along with ACRs for the year 12-13,



11-12, 09-10 of Sri Mishra is returned herewith which may please acknowledged".

4. From the above, it is clear that consequent upon his joining in the office of the Divisional Railway Manager(P), East Coast Railways/KUR, applicant's grievance for grant of financial upgradation under the MACP would be considered. In the above backdrop, we are of the view that it is too premature to adjudicate the matter at this stage. However, the applicant is at liberty to approach the Tribunal if he is not granted the benefits of financial upgradation under the MACP Scheme after joining the East Coast Railways.

With the above observation and direction, this O.A. is disposed of. No costs.


(R.C.MISRA)
MEMBER(A)
BKS


(A.K.PATNAIK)
MEMBER(J)