

3

O.A. No. 890 of 2011

Chakara.....Applicant
Vs
Union of India & Ors..... Respondents

Order dated: 11.01.2012

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 this O.A. the applicant has sought ~~the~~
the following relief:

“ (a) To direct the Respondents to
grant 1st and 2nd financial
upgradation under the M.A.C.P.
Scheme w.e.f. 01.09.2008 and pay
the differential arrear salary, DCRG,
Commuted Value of Pension, Leave
Salary and Pension with 12%
interest.

And pass any other order.....”

3. Vide paragraph-9, the applicant has also prayed
as an interim relief to direct Respondent No.3 to dispose of
the pending representation as at Annexure-A/4 dated
14.02.2011.

4. Since the representation has not yet been disposed of, the applicant has approached this Tribunal for appropriate orders.

5. The case as contended by the Ld. Counsel for the applicant is covered under the Railway Board instruction RBE No. 217/2009 and in similar cases already Railways have allowed such type of benefits under the MACP Scheme. Accordingly, Ld. Counsel for the applicant submits that the grievance of the applicant will be redressed if a direction is issued to Respondent No.3 for considering the pending representation in terms of RBE No. 217/2009 and pass necessary orders within a specific time frame.

6. Without going into the merit of the case and 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 90 days from the date of receipt of a copy of this order and, in case, on examination it is decided by the Respondent No.3 that the applicant is entitled to the benefits of first and second MACP and other consequential benefit, then the same should be released within a period of two months therefrom.

15
7. With the above observation and direction, the O.A. stands disposed of.

8. As requested by the Ld. Counsel for the applicant, send copies of this order, along with copy of the O.A. to Respondent, Nos. 2, 3 and 4 by Speed Post at the cost of the applicant. Ld. Counsel for the applicant undertakes to deposit the postal requisites by tomorrow.

9. Free copies of this order be given to the Ld. Counsel appearing for the parties.


MEMBER (Judl.)


MEMBER (Adminl.)

RK