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O.A. No. 891 of 2011

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

Order dated: 03.01.2012

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 for 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. 1.09.2008 to PB-I Rs. 5200-20200/- with GP- Rs/ 1900 & 2000/-.

(b) And to direct the respondents to revised pay of the applicant to PB-I of Rs. 5200-20200/- with GP- Rs. 1800/- instead of PB of Rs. 4440-7440/- with GP- Rs. 1650/- w.e.f. 01.01.2006.

© And direct the respondents to pay the consequential financial benefits i.e., differential arrear salary, leave salary, DCRG, commuted value of pension and

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pension with 12% interest for the delayed period.

And pass any other order....."

3. Vide paragraph-9, the applicant has also prayed as an interim relief to direct Respondent No.2 to dispose of the pending representation as at Annexure-A/4 dated 17.01.2011.

4. Since the representation has not been disposed of inspite of almost a lapse of one year, 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.2 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.2 to consider the pending representation and pass a reasoned order within 90 days from the date of receipt

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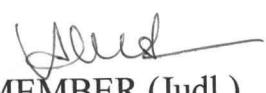
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of a copy of this order and, in case, on examination it is decided by the Respondent No.2 that the applicant is entitled to the benefits of first and second MACP and other consequential benefit then the same should be released within a period of two months therefrom.

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 (Admn.)

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