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O.A. No. 893 of 2011

Balhi.....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. February 2009 to PB-
I Rs. 5200-20200/- with GP- Rs/
1900 & 2000/-.

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



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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 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

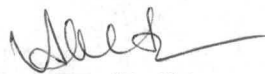
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consequential benefit then the same should be released within a period of two months therefrom.

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.)

RK