

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O.A. No. 260/00757 of 2016
Cuttack this the 6th Day of January, 2017.

**CORAM
HON'BLE SHRI A.K.PATNAIK, MEMBER(J)**

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Sri Benudhar Nandi,
aged about 64 years,
son of late Madhusudan Nandi,
of Vill. Thakurpatna, P.O. Alabol,
P.S. Balikuda, Dist. Jagatsingpur-754108.

..... Applicant.

By the Advocate(s)-M/s. S.K. Ojha, S. K. Nayak.

-VERSUS-

- 1) Union of India, Represented through its Secretary to Government of India, Ministry of Science & Technology, Technology Bhawan, New Mehrauli Road, New Delhi-110016.
- 2) The Surveyor General of India, Surveyor General's Office, Hathibarkala Estate, Post Box No.37, Deheradun, Uttarakhand-248001.
- 3) The Director, Survey of India, Survey Bhawan, Bhubaneswar-13.

..... Respondents

By the Advocate(s)-Mr.S. Behera.

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ORDER (ORAL)

A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. S.K.Ojha, Ld. Counsel for the Applicant, and Mr. S.Behera, Ld. Sr. Central Govt. Panel Counsel appearing for the Respondent-Railways, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

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2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:

“(i) to direct the Respondent No.2 to extend the 3rd financial up-gradation under the MACP Scheme in the GP- 7600/- w.e.f. 01.09.2008 with interest of 12% per annum and release the actual benefit(s) including arrears thereof forthwith;

(ii) To direct the Respondent No.1 to realize the interest amount from the pay and salary of the Respondent No.2 for causing unnecessary delay & harassment;

(iii) To direct the Respondents to pay the cost of litigation;

(iv) To pass necessary orders as deemed fit and proper.”

3. When this matter came up for the first time on 18.11.2016, after hearing the Ld. Counsels for both the sides, the following orders were passed:

“In my considered view, after passing of the order dated 30.11.2015 (A/4), when the authorities themselves have decided to upgrade the ACRs, there should not have been any impediment on the part of the respondents to grant consequential financial benefits to the applicant. This being the position, Mr. S.Behera shall obtain instructions regarding the necessary follow up action taken by the respondents after passing of the order dated 30.11.2015 and apprise this Tribunal in this regard if in the meantime, the authorities have already processed for payment of consequential financial benefits.”

Subsequently, the matter came up on 09.12.2016 when on the prayer of Mr. Behera some time was granted to him by passing the following orders:

“.....Mr. Behera submitted that in the meantime, he has sent several reminders to the appropriate authorities regarding payment of consequential financial benefits of the ACR gradings to the applicant. Hence, Mr. Behera prayed for further four weeks' time to seek instructions from the Respondents-Department and apprise this tribunal in this regard. Accordingly, Registry is directed to list this matter on 06.01.2017 under the heading “Admission”.

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4. Today, Mr. Behera submitted that inspite of his best efforts he could not obtain instruction regarding payment of consequential financial benefits to the applicant.

5. I find from the record that when the Respondents' authorities themselves vide order dated 30.11.2015 under Annexure-A/4 have decided to upgrade the ACR of the applicant, therefore, adjourning this matter time and again to get instruction will be of no use. Considering this, I dispose of this O.A. at this admission stage with direction to Respondent No.2 to consider the case of the applicant for payment of consequential financial benefits under MACP by keeping in mind the order dated 30.11.2015 under Annexure-A/4, which was passed by the said authority. I make it clear that aforesaid exercise be completed within a period of three months from today.

6. With the aforesaid observation and direction, the O.A. is disposed of at the stage of admission itself. No costs.

7. Free copy of this order be given to Mr. S.Behera, Ld. Sr. CGPC. The applicant is at liberty to send a copy of this order, if so advised, to Respondent No.2.


(A.K.PATNAIK)
MEMBER (J)