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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No. 260/00380 of 2015
Cuttack, this the 6th day of July, 2015

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)
HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)

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Syam Sundar Upadhyaya,
aged about 65 years,
S/o Late Harihara Upadhyaya,
Retired Khalasi Helper, under Sr. DME/
East Coast Railway, Khurda Road Division,
Permanent resident of Vill- Charampa Sasan,
PO- Baral Pokhari, PS- Bhadrak (RO),
Dist- Bhadrak, Odisha.

...Applicant

(Advocates: M/s. N.R.Routray, S. Sarkar, U.K.Bhatta, T.K.Choudhury, S.K.Mohanty)

VERSUS

Union of India Represented through its

1. General Manager,
East Coast Railway, E.Co.R. Sadan,
Chandrasekharpur,
Bhubaneswar, Dist-Khurda.
2. Sr. Divisional Personal Officer/
East Coast Railway, Khurda Road Division,
At/PO- Jatni, Dist-Khurda.
3. Sr. Divisional Mechanical Engineer/
East Coast Railway, Khurda Road Division,
At/PO- Jatni, Dist-Khurda.
4. Sr. Divisional Financial Manager/
East Coast Railway, Khurda Road Division,
At/PO- Jatni, Dist-Khurda.

... Respondents

(Advocate: Mr. T.Rath)

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O R D E R (ORAL)

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

Heard Mr. N.R.Routray, Ld. Counsel for the Applicant, and Mr. T.Rath, Ld. Standing 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.

2. Applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following reliefs:

“To direct the Respondents to grant 1st and 2nd financial up-gradation under the MACP Scheme w.e.f. 01.09.2008 in PB-I with GP of Rs. 1900/- and Rs. 2000/- and payment of the differential arrear salary, Leave Salary, DCRG, Commuted Value of Pension & Pension with 12% interest for the delayed period of payment.

And pass any other order.....”

3. The case of the applicant in nutshell is that he entered into the Railway Service on 26.02.1987 and on attaining the age of superannuation retired on 31.07.2009. His grievance is that although Railway Board issued Modified ACP Scheme on 01.09.2008 for grant of 1st, 2nd, and 3rd Financial Upgradation after completion of 10, 20 and 30 years of Service and, subsequently, also issued clarification vide RBE No. 217/2009 dated 10.12.2009, he has not been given the said benefits till date. Mr. Routray, Ld. Counsel for the applicant, submitted that ventilating his grievance the applicant approached Respondent No.2, i.e. Sr. Divisional Personnel Officer, vide Annexure-A/4 representation dated 10.12.2014 which also remained unattended to. Accordingly, the applicant has filed this O.A.

4. In view of the above, since the representation of the applicant is stated to be pending, without expressing any opinion on the merit of the case, I dispose of this O.A. at this admission stage by directing Respondent No.2 to consider and dispose of the representation, if the same has been preferred by the applicant and is still



pending consideration, with a well reasoned order and communicate the same to the applicant within a period of one month from the date of receipt of a copy of this order. However, the points raised by the applicant in his representation are kept open for the authorities to consider the same keeping in mind the present rule position as well as law governing the field. If after such consideration the applicant is found to be entitled to the relief claimed by him then expeditious steps be taken preferably within a further period of two months from the date of such consideration to grant him the said relief. If in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within a period of two weeks from the date of receipt of a copy of this order.

5. With the aforesaid observation and direction, this O.A. stands disposed of. In view of disposal of the O.A., M.A. No. 513/15 for condonation of delay is also disposed of being not pressed. No costs.

6. On the prayer made by Mr. Routray, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent Nos. 2 and 4 by Speed Post for which he undertakes to file the postal requisites by 08.07.2015.



(R.C.MISRA)
MEMBER(Admn.)



(A.K.PATNAIK)
MEMBER(Judl.)