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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

Original Application No.260/00671 of 2015
Cuttack, this the 14th day of October, 2015

CORAM
HON'BLE MR. R.C. MISRA, MEMBER (A)

Achutananda,
aged about 66 years,
S/o. late Lingaraj,
Retired Gang Mate/Engineereing/
KUR/East Coast Railway,
Under PWI/Gorakhnath,
Permanent resident of At./PO-Kaipadar,
P.S./Dist-Khurda, Odisha.

...Applicant

(Advocate: M/s. N.R. Routray, S. Sarkar, U. Bhatt, J. Pradhan, S.K.
Mohanty, T.K. Choudhury)

VERSUS

Union of India Represented through

1. The General Manager,
East Coast Railway, E.Co.R. Sadan,
Chandrasekharapur, Bhubaneswar,
Dist-Khurda.
2. Senior Divisional Personnel Officer/
East Coast Railway,
Khurda Road Division,
At/Po-Jatni, Dist-Khurda.
3. Senior Divisional Financial Manager/
East Coast Railway,
Khurda Road Division,
At/Po-Jatni, Dist-Khurda.

... Respondents

(Advocate: Mr. T.Rath)



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ORDER(Oral)

R.C.MISRA, MEMBER(A):

Heard Mr.N.R.Routray, learned counsel for the applicant and Mr.T.Rath, learned Standing Counsel for the Respondents. Applicant is a retired employee of the East Coast Railways, who has retired from service with effect from 30.4.2010 on attaining the age of superannuation. Accordingly, he has been issued with PPO and all his pensionary benefits have been settled in PB-I with GP Rs.1900/-. It has been submitted that in accordance with the provisions of MACP Scheme, 1st, 2nd and 3rd financial upgradations are due to an employee on completion of 10, 20 and 30 years qualifying service respectively. However, in the case of the applicant, respondents have not granted the same although he has completed 31 years qualifying service. Therefore, he has approached this Tribunal with a prayer for direction to be issued to respondent-railways to grant him 2nd and 3rd financial upgradations under the MACP with effect from 1.9.2008 in PB-1 with GP Rs.2000 and Rs.2400 respectively.

2. It is the case of the applicant that he has ventilated his grievance in this regard by filing representation before respondent no.2 on 23.2.2015, which is pending at his level. On being asked why the applicant was not agitating his grievance even five years before his retirement, Mr.Routray



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submitted that MACP being a continuous cause of action, it should be considered by the respondents at any point of time.

3. I have considered the rival submissions. Since a representation is said to have been pending, at this stage, without expressing any opinion on the merit of the matter, I would direct respondent no.2 to consider and dispose of the representation dated 23.2.2015, if at all received and pending at his level and communicate a decision thereon to the applicant through a reasoned and speaking order within a period of sixty days from the date of receipt of this order. However, if the applicant is found to be entitled to the benefits under the MACP Scheme, the same shall be granted to him within a further period of 90 days from the date of communication of decision.

4. With the above observation and direction, this O.A. is disposed of at the stage of admission itself. No costs.

5. On the prayer made by the learned counsel, copy of this order along with paper book of O.A. be sent to respondent no.2 by speed post at the cost of the applicant, for which Mr.Routray undertakes to file the postal requisites by 16.10.2015.

6. Free copy of this order be made over to learned counsel for both the sides.


(R.C.MISRA)
MEMBER(A)

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