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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

Original Application No.260/00688 of 2015  
Cuttack, this the 15<sup>th</sup> day of October, 2015

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

Makar Charan Das,  
aged about 63 years,  
S/o. late Narayan Das,  
Retired Senior Trackman/Engineering/  
KUR, Under PWI /East Coast Railway/Gorakhnath,  
Resident of Vill.-Gandakipur,  
PO-Gopiakuda, P.S.-Kujang,  
Dist-Jagatsinghpur, 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,  
Chandrasekharpur, 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 )



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 Railways.

2. Applicant has approached this Tribunal with a prayer that he may be granted 2<sup>nd</sup> financial upgradation under the MACP Scheme with effect from July, 2013 and consequential financial benefits with arrears dues along with 12% interest for the delayed period.

3. It is the case of the applicant that he joined the railway service in the year 1989 and retired on reaching the age of superannuation on 31.7.2013, his qualifying years of service being 21 years. He has been paid all the retirement benefits including pension, gratuity etc. According to applicant, even though applicant has retired, he should have been granted the benefit of 2<sup>nd</sup> MACP on completion of 20 years qualifying service as per the terms of the Scheme. It is further submitted that the applicant has made a representation to respondent no.2 on 16.2.2015 making a prayer to that effect and the same is still pending with him.

4. Having regard to the submissions made by the learned counsel for both the sides, I am of the opinion that the respondent authorities should in the first instance consider the representation of the applicant in accordance



with the provisions of the MACP Scheme. Therefore, without expressing any opinion on merit, I would direct respondent no.2 to consider and dispose of representation of the applicant dated 16.2.2015 if it is pending at his level and pass a reasoned and speaking order in accordance with the MACP Scheme to be communicated to the applicant within a period of sixty days from the date of receipt of this order. However, if the applicant, is found to be entitled to get the benefits as prayed for in his representation, the same may be granted to him within a further period of ninety days from the date of communication of the speaking order.

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

6. On the prayer made by the learned counsel send copy of this order along with paper book to Res.no.2 by speed post for which Mr.Routray undertakes to file the postal requisites by 16.10.2015.

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



**(R.C.MISRA)**  
**MEMBER(A)**

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