

10 CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00708 OF 2015
Cuttack, this the 26th day of October, 2015

CORAM

HON'BLE MR. A.K. PATNAIK, MEMBER (Judl.)
HON'BLE MR. R.C. MISRA, MEMBER (Admn.)

.....

Naren Kumar Das, Aged about 63 years, S/o. Late Mohan Charan Das, Retired Station Superintendent/Operating/ East Coast Railway/Khurda Road Division, permanent resident of Vill.-Sagabaria, P.O.-Tiran, P.S.-Tirtol, 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)

A. K. PATNAIK, MEMBER (J):

Heard Mr. N.R. Routray, Ld. Counsel appearing for the Applicant and Mr. T. Rath, Ld. Standing Counsel appearing for the Respondents-Railways, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

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

“ (a) To direct the Respondents to grant 3rd financial up-gradation under the MACP Scheme w.e.f. November, 2010 in PB-II with GP of Rs.4800/-

(b) To direct the Respondents to pay the differential arrear salary, Leave Salary, DCRG, Commuted Value of Pension & Pension with 12% interest for the delayed period of payment”

Alka

3. Mr. Routray, Ld. Counsel for the applicant submitted that alleging non consideration of the case of the applicant for 3rd financial up-gradation under MACP Scheme w.e.f. November, 2010 and payment of differential arrear salary, Leave Salary, DCRG, Commuted Value of Pension & Pension with interest, the applicant submitted representation dated 06.04.2015 (Annexure-A/3) to Respondent No.2 It has further been submitted that till date no response has been received by the applicant on his representation. Hence, the applicant has filed this O.A. with the prayer as aforesaid.

4. Since the representation submitted by the applicant is stated to be pending, without entering into the merit of this case, we dispose of this O.A at the stage of admission by directing Respondent No.2 to consider the representation dated 06.04.15 (Annexure-A/3) if the same is still pending, as per the extent Rule and regulation and communicate the result thereof to the applicant by way of a reasoned/ speaking order within a period of sixty days from the date of receipt of copy of this order. If, after such consideration it is found that the applicant is entitled to the relief claimed by him then the same may be extended to him within a further period of 03 (three) months from such consideration. Though we have not expressed any opinion on the merit of the case, we make it clear that all the points raised in the representation will be kept open for the Respondents to consider the same as per Rules in force. However, it is made clear that if the said representation dated 06.04.2015 (Annexure-A/3) has already been disposed of then the result of the same may be communicated to the applicant within a period of 15 days.

5. In the result, the O.A. is disposed of at the stage of admission itself. 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 No.2 by Speed Post for which Mr. Routray undertakes to file the postal requisites by 30.10.2015.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)