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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No.260/00113 of 2015

Cuttack, this the 18th day of March, 2015

CORAM

HON'BLE MR. A.K. PATNAIK, MEMBER (J)

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

Shri Subas Chandra Pattnaik,
aged about 58 + years,
S/o. Late Ramachandra Pattnaik
a permanent resident of Village Balidia,
Post. Paradeep Lock, District-Jagatsinghpur, Odisha,
At present working as Assistant Director,
Handicrafts, Office of the Development Commissioner,
Handicrafts, Ministry of Textiles,
Government of India, Marketing and Service Extension Centre.
Santi Nagar, Budha Raja, Sambalpur, Odisha.

...Applicant

(Advocates: M/s. J. M. Pattnaik, C. Panigrahi)

VERSUS

Union of India Represented through

1. The Secretary,
Government of India,
Ministry of Textiles,
Udyog Bhawan, New Delhi.
2. The Development Commissioner of Handicrafts,
West Block No.7, R.K. Puram,
New Delhi-110066.
3. The Deputy Director and In charge,
Eastern Regional Office,
D-F Block, A Wing,
3rd Floor, CGO Complex,
Salt Lake, Kolkata-700064.
4. The Assistant Director (H),
Marketing and Service Extension Centre,
Jagannath Mandir Colony,
1st Lane, Sambalpur, PIN-768 004.

... Respondents

(Advocate: Mr. S. Behera)

ORDER (ORAL)

A.K.PATNAIK, MEMBER (J):

Heard Mr. J. M. Pattnaik, Learned Counsel appearing for the Applicant and Mr. S. Behera, Ld. Sr. Central Government Panel Counsel appearing for the Respondents, and perused the materials placed on record.



2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 in which the applicant has alleged the action of the Respondents in granting him second financial benefits under MACP in next grade pay instead of on promotional hierarchy, as provided in the scheme issued by the DOP&T O.M. dated 19.05.2009. Therefore, he has prayed for the following relief:-

“... To direct the Respondents to revise the orders under Annexure-A/1 (series) by granting him financial upgradation under MACP on promotional hierarchy w.e.f. 07.07.2001 & 07.07.2009 and pay the applicant arrears with 12% interest from the date it was due till actual payment is made”

3. The factual matrix of the case is that initially the applicant joined as Handicrafts Promotion Officer (Group 'B' Non-Gazetted) on 07.07.1989 in the pre-revised scale of pay of Rs.1640-2900/- Subsequently, the aforesaid scale of pay, on the recommendation of the 5th CPC, was revised to Rs.5500-9000/- and to Rs.9300-34,800 (GP Rs.4200/-) (PB II) as per the 6th CPC. Mr. Pattnaik submitted that the applicant has got only one promotion to the post of Assistant Director (H) in 2009 (Joined on 18.05.09) from the date of entry to service. The applicant was granted first financial up gradation under the ACP w.e.f. 07.07.2001 and second financial up gradation under MACP w.e.f. 07.07.2009. As per the hierarchy of promotional avenues provided in the Recruitment Rules, under the MACP scheme the applicant should have been given the next higher grade pay and pay band attached to the next promotional post in the hierarchy viz. Assistant Director and thereafter Deputy Director, instead of granting him next GP of Rs.4600/- and Rs.4800/- which is not the GP either of Assistant Director or Deputy Director. As the applicant did not get his proper Grade Pay to which he is entitled to under rules/law, he made representation dated 13.01.2015 (Annexure-



A/2) to Respondent No.2. But till date he has not received any reply thereon in spite of the fact that the applicant will be retiring in June, 2015. Hence this present O.A. with the aforesaid prayer as above.

3. Mr. S. Behera, Ld. SCGPC, submits that he has no immediate instruction if any such representation has been filed by the applicant and, if so, the status thereof.

4. In view of the aforesaid facts and circumstances, at this stage, without expressing any opinion on the merit of this case, we dispose of this O.A. by directing Respondent No.2 to consider and dispose of the representation dated 13.01.2015 vide Annexure - A/2, if any such representation has been preferred and is pending, and communicate the result thereof by way of a reasoned and speaking order to the applicant within a period of 60 days from the date of receipt of a copy of this order. We make it clear that if after such consideration the applicant is found to be entitled to such benefits then expeditious steps be taken within a period of 90 days from the date of the consideration.

5. On the prayer made by Mr. J.M. Patnaik, Ld. Counsel for the applicant, copy of this order, along with paper book, be sent to Respondent No.2 by Speed Post at the cost of the applicant for which Mr. Patnaik undertakes to file the postal requisites by 23.03.2015.


(R.C.MISRA)
MEMBER(A)


(A.K.PATNAIK)
MEMBER(J)