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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No. 260/00052 of 2016
Cuttack, this the 28th day of March, 2016

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**HON'BLE SHRI A.K. PATNAIK, MEMBER (J)
HON'BLE SHRI R.C.MISRA, MEMBER (A)**

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R.S. Murthy, aged about 52 years, S/o. R. Krishna Rao, Sai Homes, Ramakrishna Nagar, Gopalapatnam, Visakhapatnam-530027, Presently working as Chief Controller, Coaching in the Head Quarters of East Coast Railway.

...Applicant

(Advocates: M/s. B.Dash, C.Mohanta, S.N.Misra)

VERSUS

Union of India Represented through its

1. General Manager, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
2. Secretary (Estt.), Ministry of Railways, Railway Board, New Delhi.
3. Chief Personnel Officer, Rail Sadan, 2nd Floor, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
4. Deputy Director, Pay Commission-V, Ministry of Railways, Railway Board, Room No.305 B, New Delhi.

... Respondents

(Advocate: Mr. T.Rath)

O R D E R (ORAL)

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

Heard Mr. B.Dash, 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. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 praying for the following reliefs:

“a. The Original Application be allowed.

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b. The Hon'ble Tribunal may be graciously be pleased to hold that the provisions of clause-5 and not clause-8 of the MACP Scheme has got application to deal with the case of the applicant for the purpose of extension of benefit of financial up-gradation.

c. The respondents may be directed to extend the benefit of financial up-gradation to the applicant on completion of ten years of service from the date of extension of Grade Pay of Rs. 4600/-.

d. The respondents may be directed to give all consequential benefits to the applicant, And;

e. Such other order.....”

3. Applicant, who was initially appointed as ASM having held not to be eligible to receive the benefit of third financial up-gradation under the MACP scheme has approached this Tribunal in the present O.A. with the aforesaid reliefs. It has been stated that the prayer of the applicant is squarely covered by the judgment rendered by the Principal Bench of this Tribunal in O.A. No. 2815/2011, which has been confirmed by the Hon'ble High Court of Delhi in W.P. (C) No.1738/2014 dated 28.10.2014 (Annexure-A/4).

4. The case of the applicant in a nutshell is that applicant entered into service as ASM on 20.10.1987 and joined the post of SM on 11.01.1991. On 09.11.2004, he was promoted to the post of Dy. Chief Controller. After the recommendation of 6th CPC, the pay of Rs. 5000-8000/- and Rs. 5500-9000 were merged and, subsequently, the Govt. of India, Ministry of Personnel, Public Grievances and Pensions issued the MACP Scheme. In this regard, Railway Board issued a Circular RBE No. 101 of 2009 vide Annexure-A/1. Vide letter dated 05.06.2012, the Assistant Personnel Officer-II, Waltair



intimated that Grade Pay of ASM and Selection Controllers are to be guided as per para-8 of RBE No. 101/2009. While the matter was continuing as such, vide letter dated 26.07.2012, the applicant was informed that the Financial Upgradation granted to the employees of Sambalpur Division was wrong. However, after the orders passed by the Principal Bench of this Tribunal in O.A. No.2815/2011, filed by similarly situated employees of Northern Railway, which was subsequently upheld by the Hon'ble Delhi High Court, the applicant made representation dated 23.07.2015 to Chief Personnel Officer for grant of Financial Upgradation under MACP. We find from the record that Dy. Chief Personnel Officer (Recruitment) has written a letter dt. 23.09.2015 to the Deputy Director, Pay Commission-V (Respondent No.4) requesting to issue guidelines to deal with the demands of the Section Controllers or advise if they can implement the orders of the CAT, New Delhi in O.A.No.2815/2011 in the East Coast Railway also. Thereafter, the applicant has been informed by the Sr. Personnel Officer (Staff) vide letter dated 07.10.2015 that on examining his representation, the competent authority as per letter dated 23.09.2015 has sought clarification from the Railway Board and further necessary action will be taken after receipt of the clarification from the Railway Board.

5. In view of the above, we do not think it proper to keep this matter pending. Accordingly, we dispose of this O.A. at this admission stage with direction to the Respondent No. 4 to intimate the Deputy Chief Personnel Officer (Rectt.) or to the Chief Personnel Officer, as the case may be, regarding decision taken by the Railway Board in pursuance of letter dated 23.09.2015 within a period of one month from the date of receipt of copy of this order.

W.A.L.

6. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.
7. On the prayer made by Mr. Dash, 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 30.03.2016.


(R.C.MISRA)
MEMBER(A)


(A.K.PATNAIK)
MEMBER(J)

K.B.