

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No. 260/00058 of 2016
Cuttack, this the 5th day of February, 2016

**CORAM
HON'BLE SHRI A.K. PATNAIK, MEMBER (JUDL.)**

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Bidyadhar Nayak,
aged about 62 years,
S/o Late Jayakrushna Nayak,
Permanent resident of L-194,
Barmunda Housing Board Colony,
PO- Barmunda, PS- Khandagiri,
Bhubaneswar-3, Dist. Khurda.

...Applicant
(Advocates: M/s. S.K.Ojha, S.K. Nayak)

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Union of India Represented through

1. Secretary to Govt. of India,
Ministry of Science & Technology,
Technology Bhawan, new Mehrauli Road,
New Delhi-110016.
2. Surveyor General of India,
Surveyor General's Office,
Hathibarkala Estate, Post Box No. 37,
Dehradun, Uttarakhand-248001.
3. Director,
Survey of India, Survey Bhawan,
Bhubaneswar, Dist. Khurda-751013.

... Respondents
(Advocate: Mr. S.K.Singh)

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ORDER (ORAL)

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

Heard Mr. S.K.Ojha, Ld. Counsel for the Applicant, and Mr. S.K.Singh, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, 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 challenging the letter dt. 02.03.2015 passed by Respondent No.2 calling upon him to submit representation for upgradation of his ACR for the years 2005, 2006, 2007 and further alleging inaction on the part of Respondent No.2 for extending the 3rd Financial up-gradation under the MACP Scheme. Mr. OJha, Ld. Counsel for the applicant, submitted that the action of the Respondents appears to harass the applicant as though the Scheme is specific and the conditions for extending the benefits are there still then Respondents are not adhering to the same. He further submitted that ventilating his grievance the applicant has made a representation to Respondent No.2 on 12.03.2015 (Annexure-A/5) which is still pending consideration and till date he has not received any response from the said Respondent No.2 for which he has filed this O.A.

3. In view of the aforesaid fact that the representation of the applicant dated 12.03.2015 is stated to be pending, without going into the merit of the matter, I dispose of this O.A. with direction to the Respondent No.2 to dispose of the said representation, if the same is still pending, and pass a reasoned and speaking order within a period of three months under intimation to the applicant. Though, I have not gone into the merit of the matter, all the points

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raised by the applicant in his representation are kept open for the Respondent No.2 to consider the same as per rules and regulations in force.

4. Mr. Ojha submitted that while considering the representation, Respondents may be directed to keep in mind the Memorandum issued by the departmental authorities under Annexure-A/2 and A/3. Though, we have not gone into the merit of the matter, still then we hope and trust that while considering the case of the applicant if the provisions enumerated under Annexure-A/2 and A/3 of this O.A. is found to be applicable in this case then the same may be taken into account while disposing of the representation.

5. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

6. On the prayer made by Mr. Ojha, 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 he undertakes to file the postal requisites by 09.02.2016.

7. Copy of this order be given to Mr. S.K.Singh, Ld. ACGSC, subject to filing of his power.


(A.K.PATNAIK)
MEMBER(Judl.)