

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 260/00161 of 2016

Cuttack, this the 5th day of April, 2016

CORAM
HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)

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Bimal Kumar Mohanty,
aged about 53 years,
S/o Sri Nrupa Kishore Mohanty,
At present working as Accounts Assistant
under F.A. & C.A.O., E.Co.Rly., Bhubaneswar,
resident of Q.No.: Type-III, A-18/4, Railway Colony,
Mancheswar, Bhubaneswar-751017, Dist-Khurda, Odisha.

...Applicant

(Advocates: M/s. N.R.Routray, S.Sarkar, U.Bhatt, Smt. J.Pradhan,
T.K.Choudhury, S.K.Mohanty)

VERSUS

Union of India Represented through its

1. General Manager,
East Coast Railway, E.Co.R. Sadan,
Chandrasekharapur, Bhubaneswar,
Dist-Khurda.
2. Financial Advisor & Chief Accounts Officer,
East Coast Railway, E.Co.R. Sadan,
Chandrasekharapur, Bhubaneswar,
Dist-Khurda.
3. Deputy Director,
Pay Commission-V,
Railway Board, At- Rail Bhawan,
New Delhi-110001.

... Respondents

(Advocate: Mr. T.Rath)

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ORDER (ORAL)

R.C.MISRA, MEMBER (ADMN.):

Heard Mr. N.R.Routray, 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. Facts of the matter as revealed from the O.A. are that applicant joined the Railway service as Junior Typist in the scale of Rs. 950-1500/- w.e.f. 19.10.1987 and got first promotion as Senior Typist in the Scale of Rs. 1200-2040/-. Thereafter, there was a change in his cadre from the Grade of Sr. Typist to Junior Accounts Assistant in the same scale of pay and, therefore, according to the applicant, it would not be considered as a promotion. While the matter stood thus applicant was further promoted as AA in the scale of Rs. 1400-2600, which is his second promotion in his service career. It is the case of the applicant that although by now he has already completed 27 years of service and has not been promoted in the meantime, he is entitled to 3rd financial upgradation under the ACP Scheme on completion of 10 years in the Grade of Accounts Assistant. To fortify his claim, applicant has relied on the decision of this Tribunal in O.A. No. 153/2011 disposed of on 27.07.2012 and submitted that the orders of this Tribunal have been implemented by the Respondents.

3. Agitating his grievance, applicant has made a representation to Respondent No.2 dated 07.09.2015 and having received no response he has approached this Tribunal for redressal of his grievance.


4. On the other hand, Mr. T.Rath, Ld. Standing Counsel for the Railways, has submitted that the orders of this Tribunal in the earlier O.A. do not directly apply to the case of the applicant in this O.A.



5. I have considered the rival submission, however, taking into account the fact that a representation has been submitted with a specific prayer and on the specific fact, which is said to be pending with the Respondents, at this stage without entering into the merit of the matter, I would direct Respondent No.2 to consider and dispose of the representation, if at all it has been received by him, as per extant rules and instructions and pass a reasoned and speaking order within a period of 60 days from the date of receipt of this order.

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

7. 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 he undertakes to file the postal requisites by tomorrow. Free copy of this order be made over to Ld. Counsels for both the sides.


(R.C.MISRA)
MEMBER(Admn.)