

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

O. A. NO. 260/00162 OF 2015  
Cuttack, this the 30<sup>th</sup> day of April, 2015

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

Dillip Ku. Mohapatra,  
aged about 59 years,  
Son of Chintamani Mohapatra,  
At present working as a  
DEO Gr.B, O/O. Director of Census Operation,  
Unit-IX, Janpath, Bhubaneswar,  
Resident of Type-III-10,  
Census Staff Colony, Barmunda,  
Bhubaneswar, Dist. Khordha, Odisha.

.....Applicant  
Advocate(s).....M/s. N.R. Routray, T.K. Choudhury, S.K. Mohanty

VERSUS

Union of India represented through

1. Registrar General of India & Census Commissioner,  
2/A, Mansingh Road, New Delhi-11.
2. Under Secretary, Office of the  
Registrar General of India,  
2/A, Mansingh Road, New Delhi-11.
3. Director, Census Operations of Odisha,  
Unit-IX, Janpath, Bhubaneswar-751022,  
Dist. Khordha.
4. Assistant Director, Office of the  
Registrar General of India,  
2/A, Mansingh Road, New Delhi-11.
5. Secretary, Ministry of Personnel,  
Public Grievance and Pension,  
Department of Personnel & Training,  
North Block, New Delhi-110001.

..... Respondents

Advocate(s)..... G.R. Verma



O R D E R (ORAL)

A. K. PATNAIK, MEMBER (J):

Heard Mr. N.R. Routray, Ld. Counsel appearing for the Applicant and Mr. G.R. Verma, Ld. ACGSC appearing for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. On 06.04.2015 time was granted to Mr. Verma, Ld. ACGSC till 30.04.2015 to take instructions regarding the present position of the representation and the order passed by the authorities, if any, on the grievance put forth by the applicant. Today Mr. Verma submitted that he has not yet received any instruction.

3. This O.A. has been filed by the applicant challenging the order of rejection dated 25.02.2014 and 31.03.2014 passed by Respondent Nos.2 & 4 respectively and to direct the Respondents to grant financial upgradation w.e.f. 07.05.2008 under ACP Scheme in PB-2 with GP of Rs.4600/- and pay the differential arrear salary as granted in favour of similarly placed persons vide order dated 17.04.2012.

4. Mr. Routray submitted that the applicant submitted representation dated 04.07.2012 (Annexure-A/11) to Respondent No.1 through proper channel with a request for grant of 1<sup>st</sup> financial upgradation under ACP Scheme w.e.f. 07.05.2008 at par with similarly placed persons. Having got no response from the Respondents-Department the applicant submitted his reminder dated 30.08.2012 (Annexure-A/13) against the inaction of Respondent No.1 on his application dated 04.07.2012.



Thereafter on 28.02.2014 the applicant submitted his 3<sup>rd</sup> reminder vide Annexure-A/15 to Respondent No.1. In response to it Respondent No.2 clarified that if the 1<sup>st</sup> financial upgradation is deferred, the 2<sup>nd</sup> financial upgradation shall be allowed only after completion of 12 years of regular service from the date of upgradation. The applicant after receiving a copy of the order dated 31.03.2013 passed by the Respondents-Department, submitted another representation dated 13.06.2014 ventilating his grievance and requested for grant of financial upgradation under ACP Scheme w.e.f. 07.05.2008. On 20.10.2014 the Respondent No.3 forwarded the grievance of the applicant to Respondent No.1 with a categorical noting that at the time of consideration of the application of the applicant for grant of 2<sup>nd</sup> financial upgradation under ACP Scheme, his recommendation dated 11.07.2012 and 08.11.2012 has not taken into account. The Respondent No.3 further requested to reconsider the case of the applicant for grant of 2<sup>nd</sup> financial up gradation under ACP scheme w.e.f. the date of completion of 24 years of regular service. Mr. Routray further submitted that the Respondents-Department vide its order dated 11.07.2012 (Annexure-A/12 ) has granted MACP instead of ACP in respect of five officials of DCO, Odisha whereas the applicant has been discriminated.

5. Since the representation submitted by the applicant is stated to be pending without entering into the merit of this case, I think it proper to dispose of this O.A at the stage of admission by directing Respondent No.1 to consider if any such representation dated 13.06.14 for 2<sup>nd</sup> ACP and 3<sup>rd</sup> MACP has been submitted and 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. If, after such consideration it is found that the applicant is entitled to any financial benefits as per 2<sup>nd</sup> ACP and 3<sup>rd</sup> MACP Scheme then the benefits may be extended to him within a further period of 03 (three) months from such consideration. However, it is made clear that if the said representation dated 13.06.2014 has already been disposed of then the result of the same may be communicated to the applicant within 15 days. Ordered accordingly.

6. In the result, the O.A. is allowed to the extent indicated above.

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 Nos.1 & 3 by Speed Post for which Mr. Routray undertakes to file the postal requisites by 05.05.2015.

  
(A.K. PATNAIK)  
MEMBER (J)

K.B.