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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 260/00700 of 2016
Cuttack, this the 17th day of October, 2016

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

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Sridhar Panda,
aged about 67 years,
Son of Late Indramani Panda,
Retired Technician (FIT)-II/Mechanical/KUR,
under Sr. Section Engineer/E.Co.Railway/ Bhadrak,
Resident At- Srirampur, PO- Bandhagaon,
Via- Charampa, PS- Bhadrak, Dist- Bhadrak, Odisha.

...Applicant

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

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Union of India represented through the

1. General Manager,
East Coast Railway,
E.Co.R.Sadan, Chandrasekharpur,
Bhubaneswar, Dist-Khurda.
2. Senior Divisional Personnel Officer/
East Coast Railway, Khurda Road Division,
At/PO- Jatni, Dist- Khurda.
3. Senior Divisional Engineer/ Co-ordination/
East Coast Railway, Khurda Road Division,
At/PO- Jatni, Dist- Khurda.

... Respondents

(Advocate: Mr. T.Rath)

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O R D E R (ORAL)

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

By virtue of the order dated 08.09.2016 passed by the Hon'ble Chairman of Central Administrative Tribunal, this matter is to be heard by the Division Bench. However, Mr. N.R.Routray, Ld. Counsel for the applicant, submitted that it is a case where direction has to be issued for consideration of the pending representation, which was preferred by the applicant on 04.04.2016

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before Respondent No.2, and due to urgency the matter should be taken up before the Single Bench as no Division Bench is available today.

2. 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.

3. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 for a direction to the Respondents to grant 3rd financial upgradation under MACP Scheme w.e.f. 01.09.2008 in PB-I with GP of Rs. 2800/- and payment of differential financial benefits. Mr. Routray, Ld. Counsel for the applicant, submitted that the applicant after being appointed as a Sub.S.Khalasi on 02.11.1975, got two promotions as Tech. (Fit.)-III and Tech. (Fit.)-II during the year 2006 and 2008 respectively and, ultimately, retired from the Railway service on attaining the age of superannuation on 31.01.2009. He submitted that the Railway Board issued one MACP Scheme for grant of 1st, 2nd and 3rd financial upgradation to its employees on 01.09.2008, which has been annexed under Annexure-A/2 and, subsequently, another clarification was issued by Railway Board vide RBE No. 217/09 under Annexure-A/3. The applicant, after coming to know about such provisions made an exhaustive representation, though belatedly, on 04.04.2016 (Annex. A/4) for extension of those benefits to him. Mr. Routray submitted that this is the case of financial benefits and no provision for limitation attracts but the applicant has also filed Misc. Application No. 625/16 justifying the delay in approaching this Tribunal.

4. Mr. T.Rath, Ld. Standing Counsel for the Railways, submitted that instead of making representation to Respondent No.2, the applicant should have approached Respondent No.3, who is the custodian of Service Book.

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5. As the applicant has already preferred representation to Respondent No.2, at this stage, without going into the merit of the matter, I dispose this O.A. at this admission stage with direction to Respondent No.2 to consider the said representation, if so pending, and pass a reasoned and speaking order within a period of three months from the date of receipt of copy of this order and intimate the same to the applicant. I make it clear that I have not gone into the merits of the matter and all the points raised in the said representation are kept open for the authorities to consider as per rules and regulations in force and if after such consideration the departmental-Respondents, i.e. Respondent Nos. 2 and 3, find the claim of the applicant to be genuine and legitimate then expeditious steps be taken within a further period of three months from the date of such consideration to grant those benefits to the applicant.

6. With the aforesaid observation and direction, the O.A. is disposed of at the stage of admission itself. No costs.

7. Though, the representation has been preferred to Respondent No.2 but taking into account the submission of the Mr. T.Rath, Ld. Standing Counsel, I direct the Registry to send copy of this order, along with paper book, by Speed Post to both Respondent Nos. 2 and 3 for which Mr. Routray, Ld. Counsel appearing for the applicant, undertakes to file the postal requisites by 20.10.2016. Free copy of this order be also given to Mr. T.Rath.


(A.K.PATNAIK)
MEMBER (J)

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