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O.A. No. 669 of 2012

Surendra Malik.....Applicant

Vs

Union of India & Ors.....Respondents

Order dated: 05.09.2012

CORAM:

Hon'ble Shri C.R.Mohapatra, Member (Admn.)

&

Hon'ble Shri A. K. Patnaik, Member (Judl.)

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.

2. By filing the present O.A., the applicant has made following prayers:

“1. To direct the Respondents to grant 1st and 2nd financial upgradation under the M.A.C.P. Scheme w.e.f. 1.09.2008 and pay the differential arrear salary, DCRG, Commuted value of pension, leave salary and pension with 12% interest.

And pass any other order.....”

3. Vide paragraph-9, the applicant has also prayed as an interim relief to direct the Respondent No.3 to dispose of the pending representation as at Annexure-A/4.

4. Since the representation of the applicant as at Annexure-A/4 is pending with Respondent No.3, we, at this stage, without entering into the merit of the case, deem it



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proper to send the case before the competent authority to take a decision first on the pending representation. As agreed to by the Ld. Counsel for the parties, we direct Respondent No. 3 to consider the pending representation and pass a reasoned order within 60 days from the date of receipt of copy of this order.

5. In case, the competent authority finds that the claim of the applicant under Annexure-A/4 is admissible under the Rules/Instructions then he should be paid the consequential benefits within three months thereafter to avoid hardship to the applicant.

6. With the above observation and direction, the O.A. stands disposed of.

7. Send copy of this order, along with copy of the O.A., to Respondent Nos. 2, 3, 4 and 5 by Speed Post at the cost of the applicant. Ld. Counsel for the applicant undertakes to deposit the postal requisites by tomorrow, i.e 06.09.2012.

8. Free copies of this order be handed over to the Ld. Counsel for the parties.


MEMBER (Judl.)


MEMBER(Admn.)

RK