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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O.A.No.934 of 2012
Cuttack this the 18th day of December, 2012

CORAM
HON'BLE SHRI ASHOK KUMAR PATNAIK, MEMBER (J)

P.V.Modeen Kutty,
Aged about 62 years,
Son of Late Saidali,
Resident of At-Puthiya Veettil House,
PO-Vallikunnu,
Via K.Nagaram,
Dist. Mallapuram,
Kerala,
Retired Tech. Grade-I,
O/O Dy.CE, Con.,
ECoRly,
Cuttack, Odisha

.....Applicant

(By Advocate:Mr.N.Routray)

-Versus-

Union of India represented through-

1. The General Manager,
East Coast Railway,
E.Co.R.Sadan,
Chandrasekharapur,
Bhubaneswar,
Dist-Khurda.
2. Senior Personnel Officer Con./Coord.
East Coast Railway,
Rail Vihar,
Chandrasekharapur,
Bhubaneswar,
Dist-Khurda.
3. Deputy Chief Engineer (Con.)
E..Co.Rly,
At present Rail Vihar
Chandrasekharapur
Bhubaneswar
Dist-Khura
4. Financial Advisor & Chief Accounts Officer/Con/
East Coast Railway

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Rail Vihar
Chandrasekharapur
Bhubaneswar
Dist-Khura

5. Chief Administrative Officer(Con.)
East Coast Railway
At present Rail Vihar
Chandrasekharapur
Bhubaneswar
Dist-Khura

...Respondents

(By Advocate: Mr.T.Rath,SC)

O R D E R (oral)

A.K.PATNAIK, MEMBER (J)

The Applicant Shri P.V.Modeen Kutty, a retired Technician Gr.I of the E.Co.Railway has filed this Original Application praying therein as under:

“To direct the Respondents to grant 2nd financial up-gradation under the MACP Scheme w.e.f. 01.09.2008 to PB-I Rs.5200-20200/- with GP Rs.4200/- at par with T.Sivadasan and V.D. Vincent under Annexure-A/7 and pay the differential arrears salary, DCRG, Commuted value of pension, leave salary and pension with 12% interest for the delayed period;

And pass any other order as this Hon'ble Tribunal deems fit and proper in the interest of justice;

And for which act of your kindness, the applicant as in duty bound shall ever pray.”

2. By drawing my attention to Annxure-A/2 Mr. Routray, Learned Counsel for the Applicant submitted that though the applicant is similarly situated and as that of T.Sivadasan and V.D.Vincent and is entitled to 2nd financial up-gradation under the MACP Scheme in

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PB-I (Rs.5200-20200/- with GP Rs.4200/-) w.e.f. 01.09.2008 yet, despite representation dated 03-01-2012 under Annexure-A/5, the above said benefit has not been extended to him.

Further Mr.Routray, Learned Counsel for the Applicant submitted that though more than seven sittings of the Screening Committee had in the meanwhile been taken place (since January, 2009 to January, 2012) the case of the applicant has not been placed before the said Committee for considering the benefit of financial up-gradation under MACP.

3. On the other hand, Mr.Rath, Learned Standing Counsel for the Railway, appearing on behalf of the Respondents submitted that he has no instruction as to whether the case of the applicant has been considered at par with similarly placed person namely T.Sivadasan and V.D.Vincent for grant of second MACP and therefore, he prayed for time to obtain instruction.


4. Having considered the above submissions of the respective parties, I do not find any justification to keep this matter pending especially when it is the positive case of the applicant that he is entitled to the 2nd financial up-gradation under MACP as he stands on a similar footing like that of T.Sivadasan and V.D.Vincent.

5. In view of the above, without expressing any opinion on the merit of the matter, this OA is disposed of with direction to the

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Respondent No.2 (Senior Personnel Officer, Con/Co.ord, ECoRly, Chandrasekharpur, Bhubaneswar, Dist. Khurda) to consider the pending representation of the applicant at Annexure-A/5 and if at all he is considered similarly situated like that of T.Sivadasan and V.D.Vincent, then he should be granted the benefit of second MACP as prayed for in this OA and accordingly, communicate the decision in a well reasoned order to the Applicant within a period of two months from the date of receipt of copy of this order.


(A.K.PATNAIK)
Member (Judicial)