

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O.A.NO.29 of 2013

Cuttack this the 28th day of January, 2013

CORAM

**HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)
HON'BLE MR. R.C. MISRA, MEMBER (ADMN.)**

Prafulla Kumar Samal,
Aged about 61 years,
S/o. Late Rama Chandra Samal,
Retd. Junior Clerk under
SSE (P.Way)/E.Co.Rly, Bhadrak,
Permanent resident of
Vill.- Pamal, P.O. Sankarpur,
P.S.- Dhenkanal Sadar,
Dist.- Dhenkanal, Odisha

..Applicant

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

VERSUS

Union of India represented through

1. The General Manager,
East Coast Railway, E.Co.R.Sadan,
Chandrasekharapur, Bhubaneswar, Dist.-Khurda.
2. Divisional Railway Manager/
East Coast Railway/Khurda Road Division,
At/PO-Jatni, Dist-Khurda.
3. Sr. Divisional Personnel Officer/
East Coast Railway, Khurda Road Division,
At/PO-Jatni, Dist-Khurda.
4. Sr. D.E.N./Co-Cordn./
East Coast Railway, Khurda Road Division,
At/PO-Jatni, Dist-Khurda.
5. Sr. Divisional Financial Manager/
East Coast Railway, Khurda Road Division,
At/PO- Jatni, Dist.-Khurda.

... Respondents

Advocate(s)..... Mr. T.Rath.



ORDER (ORAL)**MR. A.K.PATNAIK, MEMBER (J):**

Heard Shri N.R.Routray, learned counsel for the applicant and Shri T.Rath, learned SC appearing on behalf of the Respondent-Railways.

2. This Original Application has been filed by the applicant for direction to Respondents to grant him 1st, 2nd and 3rd financial upgradation under M.A.C.P. Scheme with effect from 1.09.2008 and pay the differential arrears arising thereon.

3. Shri Routray submitted that ventilating his grievance, applicant has already made a representation addressed to Divisional Railway Manager, East Coast Railway (Res.No.2) with copy to General Manager, East Coast Railway (Res.No.1) and Sr.DPO, East Coast Railway (Res.No.3). Shri Rath submitted that the applicant was working under the SSE Permanent Way, Bhadrak and the competent authority to take a decision on the grievance of the applicant is Sr.DEN(Coord.), who is Respondent No.4 herein. Shri Routray submits that the applicant may be permitted to make a fresh representation to Respondent No.4 with copy to Sr.DPO. The prayer is allowed.

4. Shri Routray brought to our notice Inspection Report conducted by CPO, vide Annexure-A/5 wherein it has been indicated against Col. No.6 as under.

“It has come to the notice that Shri P.K.Samal, Jr.Clerk, medically decategorized from constable post. Presently he is drawing GP 2000/-. Under MACP Rules GP of constable is Rs.2000/- hence, he is entitled for promotion under ACP/MACP scheme. Since party is going to retire in Jan/2012, this case should be decided at the earliest so that he will get his pensionary benefits and arrears in

time, i.e. before his retirement. The said matter was also reflected in the Dy.CPO(Hq.)'s inspection note vide no.ECor/Pers/DyCPO(HQ)/Inspection/05/2011 dtd. 05.04.2011 but appropriate action has not taken so far".

5. In consideration of the facts narrated above, applicant is at liberty to make a representation to Respondent No.4 with copy to Respondent No.3 within a period of 10 days from to-day and if such a representation is made within a period of 10 days from to-day, Respondent Nos. 3 and 4 shall consider the same as expeditiously as possible and pass a reasoned and speaking order under intimation to the applicant, at any rate within a period of two months from the date of receipt of such representation. If at all the applicant is entitled to get the benefits the same may be extended to him within a further period of two months from the date of receipt of communication of decision on the representation to the applicant.

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

7. Send copy of this order along with paper book to Res.Nos. 3 and 4 at the cost of the applicant, for which Shri Routray undertakes to file the requisite by 1.2.2013.

(R.C.MISRA)
MEMBER(A)

BKS

(A.K.PATNAIK)
MEMBER(J)