

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

**O.A. No.360 of 2013
Cuttack, this the 20th day of June, 2013**

CORAM

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

.....
Baikuntha,
Aged about 67 years,
S/o.Late Bhikari,
Retired Trackman,
O/O Dy.CE/Con,
East Coast Railway,
Cuttack, Village-Khapuriapada,
Po.Mantira, Dist.Jajpur,Odisha

....Applicant

(Advocate(s):-M/s. N.R.Routray,S.K.Mohanty,T.K.Choudhury,Ms.J.Pradhan)

-Versus-

Union of India represented through –

1. General Manager,
East Coast Railway,
E.Co.R.Sadan,
Chandrasekharpur,
Bhubaneswar,
Dist. Khurda.
2. Senior Personnel Officer,
Con/Co.Ordn.,
East Coast Railway,

Alka

Rail Vihar,
Chandrasekharpur,
Bhubaneswar,
Dist.Khurda.

3. Deputy Chief Engineer (Con)
East Coast Railway,
At-Station Bazar,
Po. College Square,
Town/Dist. Cuttack.

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

ORDER

(Oral)

A.K. PATNAIK, MEMBER (J):

The case of the Applicant, in brief, is that while working as Gangman in the pay scale of Rs.200-250/- in the Railway, he was conferred with temporary status on 1.1.1983. The said scale of pay of Rs.200-250/-, on the recommendation of the 4th CPC was revised to Rs.775-1025/- w.e.f. 1.1.1986 and w.e.f. 1.4.1984 his service was revised. Thereafter, on the recommendation of the 5th CPC the pay scale of Rs.775-1025/- was revised to Rs.1610-3540/- w.e.f. 1.1.1986. On 1.10.1999 the ACP scheme for grant of two financial up gradations to a Railway employee came into effect. He retired from service w.e.f. 30.6.2003. On 31.1.2005, the CAO/Con/ECoRly/BBSR



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issued order for re- consideration of the employees for grant of financial up gradation. Accordingly on 15.10.2012 he has submitted representation to Respondent No.2 praying for grant of first financial up gradation under ACP Scheme with effect from 1.10.1999. Hence alleging no action, the Applicant filed the instant OA praying for direction to the Respondents to grant him first financial up gradation under ACP Scheme w.e.f. 1.10.1999 in the scale of Rs.2650-4000/- and payment of differential arrear salary from 1.10.1999 31.1.2005, leave salary, DCRG commuted value of pension and pension with 12% interest. By filing MA No. 394 of 2013 the applicant has also prayed this Tribunal to condone the delay in filing the instant OA.

2. Copy of this OA along with MA has been served on Mr.T.Rath, Learned Standing Counsel for the Railway and he is also present in Court. Heard Mr.N.R.Routray, Learned Counsel for the Applicant and Mr.T.Rath, Learned Standing Counsel appearing for the Railway/Respondents.



3. No explanation has been offered for the delay in lodging the claim, if according to him he was entitled to but the same was denied to him, starting from 1.1.1996 till date and even from 31.1.2005 till filing this OA. In ordinary circumstances we would have dismissed this OA but considering the fact that the claim for payment of financial benefits and the age of the applicant, we dispose of this OA at this stage with direction to the Respondent No.2 to consider the representation dated 15.10.2012. if it is still pending with him and communicate the decision in a well-reasoned order to the Applicant within a period of sixty days from the date of receipt of copy of this order. It is, however, made clear that in the event it is held, on consideration of the representation, that the Applicant is entitled to any of the benefits as claimed in this OA as per Rules, then the same may be disbursed to the Applicant, within a period of 90 days from the date of the order of the Respondent No.2. In view of the above MA No. 394 of 2013 also stands disposed of. There shall be no order as to costs.

Wales

4. Send copy of this order along with OA to Respondent No. 2 by speed post by the Registry at the cost of the Applicant; for which Learned Counsel for the Applicant undertakes to furnish the postal requisite within a period of two days hence.


(R.C.MISRA)
Member (Admn.)


(A.K.PATNAIK)
Member (Judl.)