

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO. 474 OF 2013
CUTTACK, THIS THE 23rd DAY OF JULY, 2013

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

.....

Anukuli,
Aged about 69 years,
Son of Late Bharat,
Retired Bridge Erector Grade-III,
E.Co.Rly, Bhadrak
Permanent resident of
Vill. Taras,
P.O.- Marjitarupur,
Via/P.S.- Jenapur, Dist- Jajpur, Odisha.

.....Applicant

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

VERSUS

Union of India represented through

1. The General Manager,
East Coast Railway,
Rail Vihar, 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 D.E.N./Co-ord/
East Coast Railway, Khurda Road Division,
At/Po- Jatni, Dist.-Khurda.
4. Senior Divisional Finance 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 (JUDL.):

Heard Mr. N.R.Routray, Ld. Counsel for the applicant, and Mr. T.Rath, Ld. Standing Counsel appearing for the Railways, on whom a copy of this O.A. has already been served.

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2. Misc. Application No. 503/13 filed under Section 21(3) of the AT Act for condonation of delay is hereby allowed.

3. So far as main O.A. is concerned, applicant has filed this O.A. praying for a direction to the Respondents for granting him first and second financial upgradation under ACP Scheme w.e.f. 01.10.1999 and May, 2003 by extending the benefit of order under Annexure-A/5 and A/6 respectively and payment of consequential service benefits. Mr. Routray submitted that applicant was initially appointed as temporary Bridge Khalasi on 24.09.1970 in Scale of Rs. 75-110/- and his scale was subsequently revised w.e.f. 01.01.1973 by 4th C.P.C. and again w.e.f. 01.01.1986. Further in view of the upgradation of Brider Khalasi from Semi Skilled to Skilled the scale of the applicant was upgraded to Rs. 260-400/- w.e.f. 01.12.1984 and Rs. 950-1500/- w.e.f. 01.01.1986. He further submitted that due to such upgradation applicant has received the differential arrear salary. While the matter stood thus, service of the applicant was regularized w.e.f. 07.01.1988 and finally his pay was fixed to Rs. 3050-4590/- w.e.f. 01.01.1996. Mr. Routray further submitted that similarly placed employees approached this Tribunal by filing O.A. No. 656/93, which was disposed of by this Bench vide order dated 26.05.1995 and, in compliance of the said order, scale of Bridge Khalasi of the Construction Organization was upgraded from Rs. 800-1150/- to Rs. 950-1500/- and the differential arrear salary was provided to the said persons whereas the applicant though retired w.e.f. 31.12.2004 has not been granted all those benefits as provided to the other similarly placed persons.

4. Mr. Routray submitted that ventilating all above points, the applicant has already made representation to the Sr. D.E.N., Construction,



Co-ord. (Respondent No.3) vide his representation dated 03.08.2012 but till date he has not received any response from the concerned authority.

5. Having heard Ld. Counsel for the applicant, without entering into the merits of this case, we dispose of this O.A. at the stage of admission itself by directing Sr. D.E.N., Construction, Co-ord. (Respondent No.3) to consider the representation made by the applicant, if it is still pending, as per extant rules and provision of law applicable to the Railway servants and communicate the result thereof to the applicant by way of a reasoned and speaking order within 60 days from the date of receipt of this order. Upon such consideration if the applicant is found to be entitled to the benefits as claimed by him then the same may be disbursed to him within a further period of 90 days from the date of such consideration.

6. We also make it clear that if the said representation has already been disposed of in the meantime then the result of the same be communicated to the applicant within two weeks from the date of receipt of this order.

7. With the aforesaid order and direction, the O.A. stands disposed of at the stage of admission itself.

8. As prayed for by Mr. Routray, Ld. Counsel for the applicant, copy of this order along with paper book be sent to Respondent Nos. 2, 3 and 4 at the cost of the applicant. He undertakes to file the postal requisites by 26.07.2013


MEMBER (Admn.)

RK


MEMBER (Judl.)