

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO. 517 OF 2013
CUTTACK, THIS THE 1ST DAY OF AUGUST, 2013

CORAM

HON'BLE SHRI A.K. PATNAIK, MEMBER (JUDL.)

HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)

.....

Madhu,
Aged about 65 years,
Son of Late Banshi,
Retired Tech. (Bridge Erector) Grade-III,
E.Co.Rly./Engineering/Con./Bhubaneswar
Permanent resident of
Vill- Dandasana, P.O./Via – Jenapur,
Dist- Jajpur, Odisha.

.....Applicant

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

VERSUS

Union of India represented through

- 1 The General Manager,
East Coast Railway,
E.Co.R. Sadan,
Chandrasekharpur,
Bhubaneswar, Dist.-Khurda.
2. Senior Personnel Officer/Con./Co-ord./
East Coast Railway, Chandrasekharpur,
Bhubaneswar, Dist.- Khurda.
3. Senior Divisional Financial Manager/
East Coast Railway, Khurda Road Division,
At/PO- Jatni, Dist.- Khurda.
4. Branch Manager, Central Bank of India,
Purunabaulamala Branch, At-Purunabaulamala,
P.O.- Gadamadhpur, Dist-Jajpur, Odisha.

..... Respondents

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

O R D E R (ORAL)

MR. A.K.PATNAIK, MEMBER (JUDL.):

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

Allen

2. The applicant has filed this instant O.A. for direction to the Respondents to grant him 1st and 2nd Financial Upgradation under ACP Scheme w.e.f. 01.10.1999 and August, 2008 respectively and payment of consequential financial benefits. Mr. Routray submitted that applicant was initially appointed as Khalasi, who was granted temporary status w.e.f. 01.01.1981, and while continuing as such he was promoted to officiate as Bridge Khalasi w.e.f. 01.04.1987. Mr. Routray further submitted that while the matter stood thus, for the first time applicant was regularized as Bridge Khalasi w.e.f. 01.04.1988 vide order dated 16.07.1992 and placed at Sl. No.312 and again the service of the applicant was regularized w.e.f. 01.12.2001 vide order No.128/2002 dated 07.10.2002 and while continuing as such he retired from service on attaining age of superannuation w.e.f. 31.08.2008. Mr. Routray submitted that some similarly placed persons approached the Cuttack Bench of this Tribunal by filing O.A. No.656/1993. Vide order dated 26.05.1995 the said O.A. was disposed of and in compliance of the said order the scale of Bridge Khalasies of Construction Organisation was upgraded from Rupees 800-1150/- to Rs.950 – 1500/- and the construction authorities prepared the differential arrear salary and communicated the same to Open Line Authorities. The further contention of Mr. Routray is that as per Estt. Sl. No.288/99 the ACP Scheme was introduced and as per condition No.4 & 5 of the Scheme the first financial upgradation was to be allowed after completion of 12 years of regular service and second financial upgradation after 12 years of regular service from the date of the first financial upgradation subject to fulfillment of prescribed conditions. Though the Screening Committee found the suitable Bridge Khalasis of construction organization for grant of one financial



upgradation w.e.f. 01.04.2000 and the same was extended to them from 01.04.2000 by upgrading their scale to Rs.4000-6000/- but, subsequently, the same upgradation was withdrawn/cancelled and recovery of the payment made to each of the staff was ordered while re-fixing their pay scale to Rs.3050-4590/-. Challenging the said order some O.As were filed before this Bench of the Tribunal and vide order dated 22.11.2007 the said order of withdrawal of financial upgradation and recovery was quashed and the Railway authorities were directed to restore the applicant in the upgraded post. Challenging the said order, Respondent- Railways filed Writ Petition No.7429/2008. Vide order dated 08.07.2008, the Hon'ble High Court of Orissa was pleased to dismissed the said Writ Petition and after such dismissal of the Writ Petition Railway Authorities have restored the beneficiaries to the upgraded post. Mr. Routray submitted that case of the applicant is squarely covered to the case of the applicants who filed O.A. No.660/05 which was disposed of on 22.11.2007 and, therefore, claims 1st and 2nd financial upgradation under ACP Scheme w.e.f. 01.10.1999 and August, 2008 respectively. Raising all the above points the applicant made representation to Sr. Personnel Officer, Construction, Co-ordination (Respondent No.-2) vide representation dated 06.09.2012. Mr. Routray submitted that till date the applicant has received no response from the said authority.

3. Mr. T. Rath, Ld. Standing Counsel for the Railways, submitted that he has no instruction regarding the fate of the representation made by the applicant on 06.09.2011, which has been annexed under Annexure-A/10, more so the authenticity of the said representation if at all made to the Respondent No.2.



4. Taking into consideration the submissions made by the respective counsel, without going into the merit of this case, we dispose of this O.A. by directing Respondent No.2 to consider the representation dated 06.09.2012 (if any such representation has been made by the applicant and if it is still pending) in view of the orders passed by different Courts and Tribunals, if the case of the applicant is squarely covered with the case of the applicants who had earlier approached this Bench of the Tribunal, as per law and pass a reasoned and speaking order within sixty days from the date of receipt of this order. If, after such consideration, applicant is found to be entitled to the benefits as claimed by him then steps may be taken for disbursement of the said amount within a further period of 90 days from the date of such consideration.

5. As prayed for by Mr. Routray, Ld. Counsel for the applicant, copy of this order along with paper book be sent to Respondent No. 2 at the cost of the applicant. He undertakes to file the postal requisites by 06.08.2013.


MEMBER (Admn.)

RK


MEMBER(Judl.)