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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. NO. 601 OF 2013

Cuttack, this the 4th day of September, 2013

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HON'BLE MR. A.K. PATNAIK, MEMBER (J)

HON'BLE MR. R.C. MISRA, MEMBER (A)

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Uttam Kumar Dey,
aged about 61 years,
S/o – Late Jitendra Nath Dey,
Retired Wire Man,
Office of the Executive Engineer, Electrical Division,
BSNL, Bhubaneswar
At present residing in
Qtr. No. 2, Type-III, Block-15, P&T colony,
Vanivihar, Bhubaneswar-751007.

.....Applicant

Advocate(s) M/s. A.K.Mohanty, P.K. Kar, D.K.Mohanty

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Union of India represented through

1. Chairman cum Managing Director,
Bharat Sanchar Nigam Ltd.
Bharat Sanchar Bhavan,
Haris Chandra athur Lane,
Jan Path, New Delhi-110001.
2. Superintending Engineer, Electrical Division,
BSNL, Electrical Circle, B.J.B.Nagar,
Bhubaneswar-751002.
3. The Executive Engineer, Electrical Division,
BSNL, 92, Sahid Nagar,
Bhubaneswar-751007.

..... Respondents

Advocate(s)..... Mr. S.B.Jena

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ORDER (ORAL)

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

Heard Mr. A.K.Mohanty, Ld. Counsel for the applicant, and
Mr. S.B.Jena, Ld. Counsel appearing for the Respondents, on whom a copy
of this O.A. has already been served.

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2. The O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985, challenging the inaction of Respondent No.2 in not considering the representation made by the applicant on 05.10.2012 in which he has prayed to withdraw the second financial upgradation granted to him on 23.01.2006 as per the erstwhile ACP Scheme and to grant the benefit of Non Executive Promotion Policy (NEPP) according to which a Non-executive can get his first financial upgradation to the next higher scale after four years from 01.10.2000 and next upgradation to next higher scale of pay after another seven years. Mr. Mohanty, Ld. Counsel for the applicant, submitted that as per the clarification issued by the BSNL, non-executives like the applicant who have got financial upgradation as per the erstwhile financial upgradation can opt for coming over to the NEPP after exercising of option in form-II and the applicant during his service career had filled the same, which was not considered till his retirement, i.e. on 31.01.2013. Mr. Mohanty brought to our attention the representation made by the applicant on 05.10.2012 and submitted that the direction can be issued to the BSNL to consider the representation of the applicant as per rules as the applicant is coming under the eligibility to apply for the withdrawal of the second financial upgradation as granted to him and extension of benefits as per form-II exercised by him.

3. Mr. S.B.Jena, Ld. Counsel appearing for the Respondents-BSNL, submitted that though a scheme has been introduced to exercise option in form-II for the non-executives, who have availed of the erstwhile scheme for financial upgradation, to switch over to NEPP, still then he has no immediate instruction regarding status of the representation if made by



the applicant on 05.10.2012 to Superintending Engineer, Electrical Division, i.e. Respondent No.2.

4. Accordingly, in view of the above, without entering into the merit of this case, we dispose of this O.A. at the stage of admission itself by directing Respondent No.2, i.e. Superintending Engineer, Electrical Division, to consider the representation, if at all made by the applicant on 05.10.2012, and dispose of the same as per extant rules and provisions keeping in mind the circular issued from time to time regarding switching over from erstwhile scheme for financial upgradation to NEPP and communicate the result thereof to the applicant by way of reasoned and speaking order within 90 days from the date of receipt of this order. However, we make it clear that if after such consideration applicant is found to be entitled to get the said benefit then expeditious steps be taken for granting the said benefit to the applicant within a further period of 60 days from the date of such consideration.

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

6. Copy of this order, along with paper book, be transmitted to Respondent Nos. 2 and 3 at the cost of the applicant, for which Mr. Mohanty, Ld. Counsel for the applicant, undertakes to file the postal requisites by 06.09.2013.


MEMBER (Admn.)


MEMBER (Judl.)

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