

36
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 706 OF 2013

Cuttack, this the 24th day of October, 2013

CORAM

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

.....

Nabaghana,
aged about 63 years,
Son of Late Padan,
retired Peon/ Cos./ East Coast Railway,
Bhubaneswar, permanent resident of Vill.- Chhapada,
P.O.-Nalibara, P.S.-Tirtol, Dist-Jagatsinghpur, Odisha.

.....Applicant

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

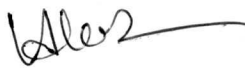
VERSUS

Union of India represented through

1. The General Manager,
East Coast Railway,
E.Co.R Sadan, Chandrasekharpur,
Bhubaneswar, Dist-Khurda.
2. Chief Personnel Officer,
East Coast Railway,
E.Co.R Sadan, Chandrasekharpur,
Bhubaneswar, Dist-Khurda.
3. Controller of Stores,
East Coast Railway,
E.Co.R Sadan, Chandrasekharpur,
Bhubaneswar, Dist-Khurda.
4. Asst. Personnel Officer (HQ-II),
East Coast Railway,
E.Co.R Sadan, Chandrasekharpur,
Bhubaneswar, Dist-Khurda.

..... Respondents

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



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

A Resolution has been made and communicated by the CAT Bar Association to the extent as under :

“In continuation to our earlier resolution dt. 27.09.2013, 01.10.2013, 03.10.2013, 07.10.2013 and 10.10.2013 and in view of the resolution dt. 21.10.2013 of High Court Bar Association, the emergent General body meeting of C.A.T. Bar Association resolved unanimously today at about 10.30 to continue abstain from Court work till 24.10.2013”.

2. In view of the above, Learned Counsel for either of the parties are absent. However, perused the records. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 with the following prayer:

“(a) To direct the Respondents to grant 1st, 2nd & 3rd financial up-gradation under the MACP Scheme w.e.f., 01.09.2008 in PB-I of Rs.5200-20200/- with G.P. of Rs.1900/-, Rs.2000/- & Rs.2400/- and pay the differential arrear salary, Leave Salary, DCRG, Commuted value of pension and pension in the upgraded scale with 12% interest for the delayed period of payment. ”

3. The applicant was initially appointed as Peon on 25.10.1971, (on casual basis) conferred with temporary status w.e.f., 01.01.1981 and retired from service w.e.f., 31.10.2010 on attaining the age of superannuation after rendering more than 34 years of qualifying service for pension. It has been stated in O.A. that at the time of retirement, the Railway Authorities issued PPO No.123501002210 and paid him his retiral benefits in PB-1 (Rs.5200-20200/-) with GP of Rs.1800/-. It is further stated by the applicant that as per the recommendation of 6th Pay Commission the original ACP Scheme modified by the Railway Board and the Railway Board, vide RBE No.101/2009, issued a new scheme known as Modified Assured Career Progression Scheme (MACP) for the railway



employees. As per the new scheme an employee is entitled to three financial up-gradation after completion of 10,20 and 30 years of service respectively. As the applicant did not get the said benefit, he made a representation to the Chief Personnel Officer, East Coast Railway, E.Co.R Sadan, Chandrasekharpur, Bhubaneswar, Dist-Khurda (Respondent No.2) on 15.04.2013 and the same has been annexed as Annexure-A/6.

4. Since the representation submitted by the applicant is stated to be pending I think it proper to dispose of this O.A at the stage of admission by directing the Respondent No.2 (i.e., the Chief Personnel Officer, East Coast Railway, E.Co.R Sadan, Chandrasekharpur, Bhubaneswar, Dist-Khurda) to consider if any such representation dated 15.04.13 has been submitted and the same is still pending, as per the extent Rule and regulation of the Railway Board (RBE No.101/2009) and communicate the result thereof to the applicant by way of a reasoned/speaking order within a period of 02 (two) months. If, after such consideration it is found that the applicant is entitled to any financial benefits as per MACP Scheme then the benefits may be extended to him within a further period of 03 (three) months from such consideration. However, it is made clear that if the said representation dated 15.04.2013 has already been disposed of then the result of the same may be communicated to the applicant within 07 (seven) days. Ordered accordingly. O.A. is disposed of accordingly. No costs.

5. Copy of this order along with paper book be sent to the Respondent Nos.2, 3 & 4 by the Registry by tomorrow.


(A.K. PATNAIK)
MEMBER (J)