

3

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

OA No.820 of 2013
Cuttack, this the 4th day of December, 2013

CORAM:
THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDICIAL)

.....
Babaji Parida, aged about 64 years, Son of Late Karuni Parida retired Khalasi/Eng./Con./E.Co.Rly., Bhubaneswar permanent resident of Village/Po.Purunabasanta, Via-Nalibara, Dist. Jagatsinghpur, Odisha.

.....Applicant

(Legal Practitioner – M/s.N.R.Routray, T.K.Choudhury,S.K.Mohanty,Mrs.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 Divisional Personnel Officer/East Coast Railway, Khurda Road Division, At/Po.Jatni, Dist. Khurda.
3. Deputy Chief Engineer/ Construction, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist. Khurda.
4. Financial Advisor & Chief Accounts Officer/ Construction, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist. Khurda.

.....Respondents

(Legal practitioner – Mr.D.K.Bhera)

O R D E R

(Oral)

A.K.PATNAIK, MEMBER (JUDICIAL):

Heard Mr.N.R.Routray, Leered Counsel for the Applicant and Mr.D.K.Bhera, Learned panel Counsel appearing for the Railway- Respondent and perused the records.

2. Mr.Routray's contention is that the applicant entered to Railway Service on 01.01.1983 and retired from service on reaching the age



of superannuation on 31.12.2008. On 01.09.2009, a Scheme known as MACP was issued by the Railway Board for granting three financial up gradations through out service career having no promotion in order to meet the financial hardship caused to an employee due to stagnation in promotion. Again on 10.11.2009 vide RBE No. 217/2009 the Railway Board issued certain clarification with regard to MACP. According to the Applicant he retired from service after 1.1.2006 on completion of twenty years of qualifying service without any promotion. As such he was entitled to the benefit of financial up gradation under MACP as per RBE No. 160/2008 and RBE No.222/2009. But the benefit could not be extended to him. Further case of the Applicant is that he has submitted representation dated 10.4.2013 to Respondent No.2 (Senior Personnel Officer, Construction, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist. Khurda) praying for grant of financial up gradation under MACP Scheme as per RBE No. 160/2008 & RBE No.222/2009. Mr. Routray submitted that the said representation is still pending for consideration before the Respondent No.2. Mr. Behera has no immediate instruction as to whether any such representation has been filed on 10.04.2013 and the status thereof. Hence, without expressing any opinion on the merit of the matter, this OA is disposed of at this admission stage, with direction to the Respondent No.3 to consider/dispose of the said representation dated 10.04.2013 (if it is filed and is pending for consideration) and communicate the result thereof to the



5

- 3 -

Applicant in a well reasoned order within a period of sixty days from the date of receipt of copy of this order. If on consideration of the representation it is decided that the applicant is entitled the benefits of MACP in terms of RBE No. 160/2008 and RBE No.222/2009 then the same be paid to him within a period of sixty days from the date of such order. However, if any decision has, in the meantime, been taken on the said representation but the result has not been communicated then the result of the same should be communicated to the applicant within a period of fifteen days from the date of receipt of copy of this order.

3. As prayed for by Mr.N.R.Routray, Learned Counsel for the Applicant copy of this order be sent to Respondent Nos.2 & 3 by speed post at his cost for compliance for which he undertakes to furnish the postal requisite within two days hence.


(A.K.Patnaik)
Member (Judicial)