

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. NO. 821 OF 2013

Cuttack, this the 5th day of December, 2013

CORAM

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

.....

Babaji Parida,
aged about 64 years,
Son of Late Karuni Parida,
Retired Khalasi/Engineering/Con./E.Co.Rly, Bhubaneswar,
Permanent resident of
Vill./PO- Purunabasanta, Via-Nalibura,
Dist- Jagatsinghpur, 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, E.Co.R. Sadan,
Chandrasekharpur,
Bhubaneswar, Dist-Khurda.
2. Sr. Personnel Officer/Con.,
East Coast Railway,
Rail Vihar, Chandrasekharpur,
Bhubaneswar, Dist. Khurda.
3. Deputy Chief Engineer/Con.,
East Coast Railway,
Rail Vihar, Chandrasekharpur,
Bhubaneswar, Dist. Khurda.
4. Financial Advisor & Chief Accounts Officer/Con.,
East Coast Railway,
Rail Vihar, Chandrasekharpur,
Bhubaneswar, Dist. Khurda.


..... Respondents

Advocate(s).....D.K. Behera

Attest

ORDER (ORAL)**A.K. PATNAIK, MEMBER (JUDL.)**

The applicant, who while working in the Railway as Khalasi, after completion of qualifying service of 21 years and 11 months, retired from service on 31.12.2008. In this OA his grievance is that the Ministry of Railway decided that the existing GPs of Rs.1300/-, 1400/-, 1600/- and Rs.1650/- in the PB 1 (Rs.4440-7440/- corresponding to pre revised scale of Rs.1550-3200/- Rs.2610-3540/- Rs.2610-4000/- and Rs.2650-4000/-) of Gr.D Posts, are to be replaced in GP of Rs.1800/- in the PB I (Rs.5200-20200/- corresponding to pre-revised pay of Rs.2750-4400/- w.e.f. 01.01.2006. Accordingly, the Railway Board issued RBE No. 222/2009 dated 15.12.2009 and the cutoff date of 02.09.2008 was modified to 01.01.2006 and, therefore, according to the Applicant as he had completed more than twenty years of qualifying service he is entitled to full pension. Besides, it has been alleged that as he had completed more than twenty years of qualifying service as on 01.09.2008 without any promotion/up gradation he is also entitled to 1st and 2nd financial up gradation under the MACP scheme. Hence he has stated that as he has retired from service on 1.1.2006 i.e. after completion of twenty years of qualifying service he is entitled to get the revised pay in PB 1 (Rs.5200-20200/-) with GP Rs.1800/- w.e.f. 01.01.2006 and 1st & 2nd financial up gradation under MACP Scheme w.e.f. 01.09.2008 to GP of Rs.1900/- & Rs.2000/- and full pension and other consequential benefits as per RB Nos. 160/2008 and RBE No. 222/2009 but the Respondents are callous in extending the said benefits despite submission of representation dated 10.4.2013. It was told that the Senior Personnel Officer, Construction, ECoRailway, Bhubaneswar to whom he has



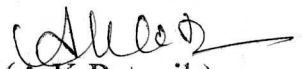
submitted the representation on 10.4.2013 is still pending for consideration of is the competent authority to take the decision and extend the benefits thereof.

2. Heard Mr.N.R.Routray, Learned Counsel for the Applicant and Mr.D.K.Behera, Learned panel counsel for the Railways The present grievance, as it appears, needs to be dealt into at the first instance by the authority concerned. The Applicant being a retired employee, the authority should have taken decision on priority. Mr.Behera has fairly submitted that he has no immediate instruction about the present status on the grievance of the applicant as raised in his representation dated 10.4.2013. Since no communication has been made on the representation of the Applicant, I feel no justifiable reason to keep this matter pending. If on consideration of the representation the authority decides that the applicant is entitled to the benefit, the same would be extended to the applicant at an early date. In the above circumstances, 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.2 before whom the representation of the applicant dated 10.4.02013 is stated to be pending to take a decision and communicate the result thereof in a well reasoned order to the Applicant preferably within a period of sixty days from the date of receipt of copy of this order. In the event it is decided that the applicant is entitled to any benefits as claimed in his representation the same should be extended to the applicant within a period of ninety days from the date of such consideration. If in the meanwhile any decision has been taken on the representation, the result

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thereof shall also be communicated to the applicant within a period of fifteen days. There shall be no order as to costs.

3. As prayed for by Mr.Routray, Learned Counsel for the Applicant copy of this order be sent to Respondent No.2&3 by speed post at his cost for which he undertakes to furnish the postal requisite by 9th December, 2013.


(A.K.Patnaik)
Member (Judicial)