

3

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

OA No.850 of 2013

Cuttack, this the 12th day of December, 2013

CORAM:

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

.....

Surendra Kumar Majhi, aged about 59 years, Son of Late Gayadhar Majhi, permanent resident of Village/PO.Bishnupur, Dist. Balasore at present working as a Technician Grade-II (SMW), O/O CWM/CRW/E.Co.Rly, Mancheswar, Bhubaneswar, Dis. Khurda.

.....Applicant

(Legal Practitioner – M/s.N.R.Routray, T.K.Choudhury,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. Chief Workshop Manager, Carriage Repair Workshop, East Coast Railway, Mancheswar, Bhubaneswar, Dist. Khurda.
3. Workshop Personnel Officer, Carriage Repair Workshop, E.Co.Rly, Mancheswar, Bhubaneswar, Dist. Khurda.

.....Respondents

(Legal practitioner – Mr.T.Rath)

O R D E R

(Oral)

A.K.PATNAIK, MEMBER (JUDICIAL):

The applicant has filed this Original Application seeking for a direction to the Respondents to grant him 1st financial up gradation under ACP Scheme w.e.f. 04.44.2000 and pay him the differential arrear salary by refixing his pay in the scale of Rs.4000-6000/- by extending the benefit of the order dated 22.03.2012 in OA No. 192 of 2012 which has been



confirmed by the Hon'ble High Court of Orissa vide order dated 6.2.2013 in WP (C) No. 12425 of 2012. According to the Applicant, he joined/appointed as a Skilled Artisan Grade III (SMW) in the pay scale of pay of Rs. 950-1500/- on 31.3.1998 and was regularized in SMW Gr.III in the pay scale of Rs.950-1500/- on 04.09.1997. he Railway Board issued ACP Scheme on 1.10.1999 for granting two financial up gradations to an employee, after completion of 12/24 years, without any promotion. In OA No. 192/2010 disposed of on 22.3.2012 this Tribunal directed to compute the temporary period of service as qualifying service for the purpose of granting financial up gradation under ACP Scheme and the said order of this Tribunal was upheld by the Hon'ble High Court of Orissa vide order dated 6.2.2013 in WP (C) No. 12425/2012. Thereafter, the Respondent-Railway preferred SLP No. 11040 of 2013 before the Hon'ble Supreme Court but the same was also dismissed on 02.08.2013. According to him if his temporary period of service is taken into consideration, as per the aforesaid decision of this Tribunal, then he is entitled to 1st financial up gradation w.e.f. 07.04.2000. But despite the orders of this Tribunal and despite submission of representation on 14.2.2013 and reminder on 02.12.2013, the Respondents have neither granted him the first financial up gradation nor has he been intimated the out come of the representation dated 14.2.2013 followed by reminder dated 02.12.2013.

Alles

5


- 3 -

2. Heard Mr.N.R.Routray, Learned Counsel for the Applicant and Mr. T.Rath, Learned Standing Counsel for Railway-Respondent and perused the records. Mr.Rath has no immediate instruction as to whether any such representation has been filed by the applicant on 14.2.2013/reminder on 02.12.2013 and the status thereof. Since it is the specific case of the applicant that he has not received any reply on his representation dated 14.02.2013 followed by reminder dated 02.12.2013, I do not find any reason to make a departure from the provision made in the A.T. Act, 1985 to entertain this OA at this stage. Hence, without expressing any opinion on the merit of this matter, this OA is disposed of at this admission stage with direction to the Respondent No.3 (i.e. Workshop Personnel Officer, Carriage Repair Workshop, E.Co.Rly, Mancheswar, Bhubaneswar, Dist. Khurda) to consider the grievance of the applicant as raised in his representation dated 14.02.2013/reminder dated 02.12.2013 (if it is filed and is pending for consideration) and communicate the result thereof to the 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 to the benefit of first financial up gradation then steps be taken to extend the said benefit to the applicant within another period of sixty days from the date of such consideration. However, if in the meantime, any decision has been taken on the said representation/reminder but the result has not been communicated then the result of the same should



6 -4-
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. 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)