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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

OA No. 1002 of 2013
Cuttack, this the 12th day of March, 2014

CORAM

**HON'BLE MR.A.K.PATNAIK, MEMBER (JUDL.)
HON'BLE MR. R.C.MISRA, MEMBER (ADMN.)**

.....

Narasingha Sahu, aged about 62 years, S/o. Udayanath Sahu, Sakti Nagar, 2nd Lane, Lochapada, Berhampur Sada, Dist. Ganjam, Retired Sub Postmaster, Langipalli (Odisha).

....Applicant

(Advocate(s)-M/s.B.P.Tripathy, K.P.Behera)

-VERSUS-

Union of India represented through -

1. Secretary, Government of India, Ministry of Communication, Department of Post, Daktar Bhawan, New Delhi.
2. Chief Postmaster General, Odisha Circle, At/Po/Ps.Bhubaneswar, Dist. Khurda.
3. Senior Superintendent of Post Offices, Berhampur Division, At/Po. Berhampur-760001 (Odisha), Dist. Ganjam.

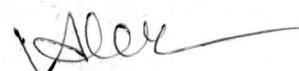
....Respondents

(Advocate (s)-Mr.)

ORDER (ORAL)

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

Alleging inaction on the part of the Respondents to grant him the benefits of financial up gradation which he is entitled to under MACP scheme even long after his retirement and series of representations this Original Application has been filed by the applicants praying thereto to direct the Respondents to grant him the third financial up gradation under MACP scheme w.e.f. 08.04.2005 and to direct the Respondents to revise his pay consequently pension and other pensionary benefits and pay him the differential arrears.



2. From the record it reveals that the applicant while working in the cadre of Postal Assistant as Sub Postmaster, Langipalli Post Office, Berhampur retired on reaching the age of superannuation from service on 31.5.2005. Further it reveals that by making series of representations dated 12.09.2012, 14.02.2013 and 24.09.2013 he has been agitating his grievance for grant of third financial up gradation under MACP. Grant of financial up gradation under the MACP scheme subject to fulfillment of the conditions stipulated therein is an inbuilt provision which in our considered view, could not have been delayed for one reason or the other by the Authority manning the Department especially in the case of a retired employee as after retirement the employee concerned depends his livelihood on the amount which he/she is to get by the above means. We do not find any justified reason in keeping the request of the applicant pending by the authority for such a long period without any valid reason and thus no object of the Scheme for MACP would be served except increasing the anxiety and mental agony of the employee concerned. It is the positive case of the applicant that neither he has received any reply on his successive representations nor has been granted the benefits to which he is entitled to under the Scheme. We are handicapped to know whether the representations have reached the competent authority and/or any decision has been taken thereon. In view of the above, based on the averments and materials placed on record, in order to avoid more delay of redressing the grievance of the applicant to which, if he is otherwise entitled to, without expressing any opinion on the merit of the matter this original Application is disposed of at this admission stage with direction to Respondent No.3 before whom the representations are stated to be



pending, to consider the grievance of the applicant as raised in his representations dated 12.09.2012, 14.02.2013 and 24.09.2013 and communicate the result thereof in a reasoned order to the Applicant within a period of 60(sixty) days from the date of receipt of copy of this order. In case, upon such consideration it is decided that the applicant is entitled to the relief as claimed by him then the same be paid to him within a period of another sixty days from the date of said order. In case decision has already been taken on his representations but result has not been intimated to him, the result of such consideration should be intimated to the applicant within a period of fifteen days from the date of receipt of copy of this order. There shall be no order as to costs.

3. Registry is directed to send copy of this order to Respondent Nos. 2 and 3 for due compliance. Simultaneously, liberty is given to the Applicants to take back the extra copies of the OA filed in the Registry and send the same enclosing thereto copy of this order, if so desired to the Respondents, for compliance of the order.


(R.C.MISRA)
Member (Admn.)


(A.K.PATNAIK)
Member (Judicial)