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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.260/00001 of 2014

Cuttack this the 8th day of January, 2014

CORAM

HON'BLE SHRI A.K.PATNAIK, MEMBER(J)
HON'BLE SHRI R.C.MISRA, MEMBER(A)

Madhu

Aged about 65 years

S/o. late Kanduri

Retired Tech (Motor Trolley Driver)-III/Engg./Con./

East Coast Railway/Bhubaneswar

Perianent resident of Vill-Dahipur

PO/Via-Jenapur

Dist-Jajpur

Odisha

...Applicant

By the Advocate(s)-Mr.N.R.Routray

-VERSUS-

Union of India represented through

1. General Manager,
East Coast Railway
E.Co.R.Sadan
Chandrasekharpur
Bhubaneswar
Dist-Khurda

2. Senior Personnel Officer/Con./Co-ordn.
East Coast Railway
Rail Vihar
Chandrasekharpur
Bhubaneswar
Dist-Khurda

...Respondents

By the Advocate(s)-Mr.T.Rath

ORDER

A.K.PATNAIK, MEMBER(J)

Heard Shri N.R.Routray, learned counsel for the applicant and Shri T.Rath, learned Standing Counsel, on whom a copy of this O.A. has been

A.K.PATNAIK, MEMBER(J)

served, appearing for the Respondent-Railways and perused the materials on record.

2. Shri Rath accepts the notice of this O.A. Accordingly, Registry is directed to serve copy of notice on Shri Dash under Sub Rule-4 of Rule-11 of CAT (Procedure) Rules, 1987 for onward transmission..

2. This Original Application has been filed under Section 19 of the A.T.Act, 1985 by the applicant who is a retired Motor Trolley Driver, Gr.III , for direction to be issued to Respondent-Railways to grant 2nd financial upgradation under MACP Scheme with effect from 1.09.2008 and payment of consequential financial benefits keeping in mind the provisions enumerated under RBE No. 103/2008. Shri Routray, by drawing our attention to the representation dated 10.4.2013 preferred by the applicant to Respondent No.2, i.e., Senior Personnel Officer/Con/Coord. submitted that the applicant entered in railway service with effect from 1.1.1981 and retired after attaining the age of superannuation with effect from 30.11.2008. According to him, the total qualifying service for pension comes to 26 years and three months. The railway authorities have issued PPO and paid all the retiral benefits in PB-1 with GP Rs.1800/-. It is further submitted by Shri Routray that as per the MACP Scheme adopted by the Railways, the applicant having completed more than 20 years qualifying service as on 30.11.2008 he is entitled to 2nd financial upgradation under the MACP Scheme and therefore, the applicant should get GP Rs.2000 in PB-1 with effect from 1.9.2008. To substantiate his claim Shri Routray



brought to our notice RBE No.103/2008 and submitted that the applicant is entitled to the benefit under the MACP Scheme.

3. Shri T.Rath, learned Standing Counsel has no immediate instructions if any such representation has been preferred by the applicant to Res.No.2 on 10.4.3013 and if so the status thereof.

4. Therefore, taking into consideration the argument advanced by the learned counsel for both the sides, we direct that if any such representation has been preferred by the applicant on 10.4.2013 and is still pending, Respondent No.2 shall consider and dispose of the same through a reasoned and speaking order within a period of sixty days from the date of receipt of this order. However, if the applicant is considered eligible and entitled to the benefit under the MACP Scheme, the same shall be granted to him within a period of 90 days from the date of receipt of this order. If in the meantime, the representation dated 10.4.2013 has been considered and disposed of, the decision thereon shall be communicated to the applicant within a period of two weeks hence.

5. With the above observation and direction, this O.A. is disposed of at the stage of admission itself. No costs.

6. Send a copy of this order to Res.No.2 by Speed Post at the cost of the applicant for which Shri Routray undertakes to file the postal requisites by 10.1.2014. Free copy of this order be made over to the learned counsel for both the sides.

(R.C.MISRA)
MEMBER(A)
BKS




(A.K.PATNAIK)
MEMBER(J)