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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00161 OF 2014
Cuttack, this the 20th day of March, 2014

CORAM

HON'BLE MR. A.K. PATNAIK, MEMBER (Judl.)
HON'BLE MR. R.C. MISRA, MEMBER (Admn.)

.....
Mahendra Kumar Praharaj,
Aged about 64 years,
Son of Late Laxmidhar Praharaj,
Retired Gate Keeper,
O/O Senior Section Engineer (P.Way)/
East Coast Railway/Angul,
Permanent resident of
Vill- Talapada, PO/Via- Rahama,
Dist- Jagatsinghpur, Odisha.

.....Applicant

Advocate(s)... M/s. N.R. Routray, T.K. Choudhury, S.K. Mohanty, Smt. J. Pradhan,

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Union of India represented through

1. The General Manager,
East Coast Railway, E.Co.R.Sadan,
Chandrasekhpur, Bhubaneswar,
Dist-Khurda.
2. Sr. D.E.N./Co-ordn./
East Coast Railway, Khurda Road Division,
At/PO- Jatni, Dist-Khurda.
3. Divisional Personnel Officer-I,
East Coast Railway, Khurda Road Division,
At/PO- Jatni, Dist-Khurda.

..... Respondents

Advocate(s)..... Mr. T. Rath

ORDER (ORAL)

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

Copy of this O.A. has been served on Mr. T.Rath, Ld. Standing
Counsel appearing for the Respondent-Railways, who accepts notice for all
the Respondents in this OA. Registry is directed to serve notice, in terms of

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sub rule 4 of Rule 11 of the CAT (Procedure) Rules, 1987 for onward transmission. Heard Mr. N.R.Routray, Learned Counsel for the Applicant, and Mr. T.Rath, Ld. Standing Counsel appearing for the Respondent-Railways, and perused the materials placed on record.

2. The applicant has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 for a direction to the Respondents to grant him first financial upgradation under the MACP Scheme w.e.f. 01.09.2008 in PB-1 with GP of Rs. 1800/- and fix the pay as per RBE No. 103/2008 and pay the differential arrear salary, Leave Salary, DCRG, Commuted Value of Pension and Pension with interest. By drawing our attention to the P.P.O. issued to the applicant, Mr. Routray submitted that on the date of superannuation the applicant had completed 16 years, 2 months and 5 days of service, i.e. 16 years as qualifying service, but the applicant was denied the benefit of financial upgradation under MACP Scheme. Ventilating his grievance, the applicant has made representation to the Sr. D.E.N., Co-ordn., E.Co.Rly. (Respondent No.2) on 05.08.2013 under Annexure-A/4, which is stated to be pending. Relying upon the RBE No. 103/2008, he has also enclosed a copy of the P.P.O.

3. Mr. Rath, Ld. Standing Counsel for the Railways, has fairly submitted that he has no immediate instruction as to whether any such representation, as claimed by the applicant, has really been submitted by him on 05.08.2013 and if so, the status thereof.

4. Be that as it may, since it is the positive case of the applicant that no decision has been communicated to him on the representation submitted on 05.08.2013, without entering into the merit of this matter, this OA is disposed of at this admission stage with direction to Respondent No.2

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to consider and dispose of the representation stated to be preferred by the applicant on dated 05.08.2013 keeping in mind the MACP Scheme, the provisions enumerated under RBE No. 103/2008 and the PPO and communicate the decision thereof, in a well-reasoned order to the applicant within 60(sixty) days from the date of receipt of copy of this order. If upon such consideration it is decided that the applicant is entitled to the benefit claimed by him in the representation then expeditious steps be taken to extend such benefits within another period of 90 days from the date of such order. However, we make it clear that if in the meantime said representation has already been disposed of then the result thereof be communicated to the applicant within a period of two weeks from the date of receipt of copy of this order. There shall be no order as to costs.

5. As prayed for by Mr. Routray, Ld Counsel for the applicant, copy of this order be sent to Respondent Nos. 2 and 3, by speed post, for compliance, at his cost, for which he undertakes to furnish the postal requisite by 24.03.2014.

(R.C.MISRA) *Rees*
MEMBER (Admn.)

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(A.K.PATNAIK)
MEMBER(Judl.)

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