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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. No. 260/00226 OF 2014
Cuttack, this the 15th day of April, 2014

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

Pramod Kumar Mohanty,
Aged about 61 years,

Son of Late Nityananda Mohanty,
Retired JE (Drg.),
O/O Dy. Chief Engineer/ Con./
Designs & Construction/
East Coast Railway/ Rail Vihar/
Chandrasekharpur/ Bhubaneswar,
Permanent resident of
At- Patana, PO- Bentkar,
Dist- Cuttack, Odisha.

.....Applicant

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

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Union of India represented through

1. The General Manager,
East Coast Railway, E.Co.R.Sadan,
Chandrasekharpur, Bhubaneswar,
Dist-Khurda.
2. Sr. Divisional Engineer/Co-ordn.,
East Coast Railway, Khurda Road Division,
At/PO- Jatni, Dist-Khurda.
3. Sr. Personnel Officer/ Con. /
Coordination, East Coast Railway,
Rail Vihar, Chandrasekharpur,
Bhubaneswar, Dist-Khurda.
4. Divisional Personnel Officer-I,
East Coast Railway, Khurda Road Division,
At/PO- Jatni, Dist-Khurda.

..... Respondents

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

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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 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 2nd and 3rd financial upgradation under the MACP Scheme w.e.f. 01.09.2008 & January, 2012 in PB-2 with GP of Rs. 4600/- and 4800/- respectively in view of the clarification dated 20.06.2011 under Annexure-A/4 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. Mr. Routray, Ld. Counsel for the applicant, submitted that despite the clarification issued vide Annexure-A/4 dated 20.06.2011, the applicant has not been granted such benefits. Ventilating his grievance, the applicant has made representation to the Sr. Divisional Engineer/Co-ordn., E.Co.Rly. (Respondent No.2) on 05.08.2013 under Annexure-A/5, which is stated to be pending. Since no response was received by the applicant, he has sent a reminder on 28.02.2014. Relying upon the RBE No. 103/2008, he has prayed to re-fix his pay and grant consequential benefits.

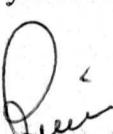
3. Mr. Rath, Ld. Standing Counsel for the Railways, has fairly submitted that he has no immediate instruction as to whether any such

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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 to consider and dispose of the representation stated to be preferred by the applicant on 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 a period of 60(sixty) days from the date of receipt of copy of this order. If upon such consideration applicant is found to be entitled to the benefits 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, 3 and 4, by Speed Post, for compliance, at his cost, for which he undertakes to furnish the postal requisite by 21.04.2014.


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


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

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