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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 260/00293 OF 2014
Cuttack, this the 6th day of May, 2014

CORAM

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

.....
Babaji Das,
aged about 62 years,
S/o. Late Uchhab Das,
Retired TECH (Pump Driver)
11/Engineering/Cons-BBS,
East Coast Railway, Rail Vihar,
Chandrasekharpur, Bhubaneswar,
Permanent resident of village – Badilo,
P.O.-Ibrisingh, P.S.-Tirtol,
Dist.-Jagatsinghpur.

.....Applicant

Advocate(s)..... Mr. B. Das

VERSUS

Union of India represented through

1. The General Manager,
East Coast Railway,
E.Co.R Sadan, Chandrasekharpur,
Bhubaneswar, Dist-Khurda.
2. Chief Administrative Officer (Con.),
East Coast Railway, Rail Vihar,
Chandrasekharpur, Bhubaneswar,
Dist-Khurda.
3. Sr. Personnel Officer,
Construction Co-ordn., East Coast Railway,
Rail Vihar, Chandrasekharpur,
Bhubaneswar, Dist-Khurda.
4. Deputy Chief Engineer,
Construction, E.Co. Rly,
Rail Vihar, Chandrasekharpur,
Bhubaneswar, Dist-Khurda.

..... Respondents

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



ORDER (ORAL)

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

Heard Mr. B.Das, Learned Counsel for the Applicant, and Mr. T.Rath, Ld. Standing Counsel appearing for the Respondent-Railways, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. This Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985, in which the applicant has alleged inaction on the part of the Respondents in not granting him first and second financial upgradation under the MACP Scheme w.e.f. 01.09.2008. On the other hand, at Para 8 (ii) he has also prayed to pay the differential arrear salary for the period from 01.09.2008 to 30.06.2012, DCRG, Commuted value of pension, Leave salary and arrear pension with 12% interest. At the time of hearing for admission, Mr. Das, Ld. Counsel for the applicant prayed to confine his prayer only to prayer 8(i) of the O.A. and he does not want to press for the prayer at 8(ii). Prayer is allowed.

3. Mr. Das by drawing our attention to the representation dated 03.04.2013 (Annexure-A/4) preferred by the applicant addressed to Sr. Personnel Officer (Con./Co-ord.), Respondent No.3, submitted that though the applicant has ventilated his grievance for grant of first and second financial upgradation under MACP Scheme w.e.f. 01.09.2008 and for payment of differential financial benefits but till date no response has been received by the applicant from the aforesaid authority.

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3. Mr. T.Rath, Ld. Standing Counsel for the Railways, by drawing our attention to Annexure-A/1 submitted that by the time the applicant retired from the railway service, he had already received three Grade Pays. Therefore, it cannot be said that he has not received any financial up gradation and hence he has no claim to get any financial benefit under the MACP Scheme as claimed by him. However, at this stage, he is not in a position to apprise this Tribunal whether any such representation, as stated to have been made by the applicant on 03.04.2013, has actually been filed by the applicant and if so, the status thereof.

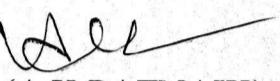
4. Taking into account the submissions made by Ld. Counsel for both the sides and the fact as stated by Ld. Counsel for the applicant that the representation (Annexure-A/4) preferred by the applicant is still pending, without going into the merit of this case, we dispose of this O.A. directing Respondent No. 3 to consider the representation, if the same is still pending consideration, as per the extant rules and regulations and pass a reasoned and speaking order within a period of 60 days from the date of receipt of a copy of this order. We make it clear that if after such consideration the applicant is found to be entitled to the benefits claimed by him then expeditious steps be taken for extending those benefits to him within a further period of 90 days therefrom. If the aforesaid representation has already been considered and disposed of by the Respondents then a copy thereof be communicated to the applicant within a period of two weeks from the communication of the order.

5. With the above observation and direction, this O.A. is disposed of at the stage of admission itself.



6. As agreed to by Ld. Counsel for both the sides, copy of this O.A., along with the copy of this order, be transmitted to Respondent Nos. 3 and 4 by Speed Post at the cost of the applicant, for which Mr. Das, Ld. Counsel for the applicant, undertakes to furnish the postal requisites by 08.05.2014.


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


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

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