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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.260/00442/2014
Cuttack this the 19th day of June, 2014

CORAM
HON'BLE SHRI R.C.MISRA, MEMBER(A)

Maheswar
Aged about 64 years
Son of late Bholi
Retired Senior Trackman/Engineering/Con./East Coast Railway/BBS
Permanent resident of Vill-Pandara, PO-Nalibara
Dist-Jagatsinghpur, Odisha

...Applicant

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

-VERSUS-

Union of India represented through the

1. The General Manager
East Coast Railway, E.Co.R.Sadan
Chandrasekhpur
Bhubaneswar
Dist-Khurda
2. Senior Personnel Officer/Con./Co-ordn.
East Coast Railway, Rail Vihar
Chandrasekhpur
Bhubaneswar, Dist-Khurda
3. Deputy Chief Engineer/Con.-I/East Coast Railway, Rail Vihar
Chandrasekhpur, Bhubaneswar
Dist-Khurda

...Respondents

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



ORDER(Oral)R.C.MISRA, MEMBER(A)

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

2. Applicant, while working as Senior Trackman under the Respondent-Railways retired from service with effect from 31.5.2010. He has received all the superannuation benefits. Vide an office order dated 29.7.2013, he along with some other employees was found suitable for grant of financial upgradation under the MACP Scheme and he was sanctioned both 1st and 2nd financial upgradations with effect from 1.9.2008. Accordingly, the pay fixation has to be done and he has to be given the differential arrear salary and the retirement benefits. Although this order of sanction was issued on 29.7.2013, ^{after} ~~for~~ a long lapse of time also he has not received the dues that arise out of this sanction order. It has been brought to my notice that the applicant has made a representation to Respondent No.2 on 7.11.2013 praying for release of the financial dues. At this stage, Shri Rath, learned Standing Counsel has pointed out that according to Note No.2 of the sanction order, applicant has to exercise his option for fixation of pay in the next higher grade within one month from the date of issue of the said office order. Shri Routray however submitted that in similar cases such exercise of option has not been insisted upon. However, if there is any administrative requirement for doing so, it should be done by the applicant. Since the representation dated 7.11.2013 is said to be pending with Respondent No.2, I



direct the Respondent No.2 to consider and dispose of the said representation and communicate the decision thereon to the applicant within a period of thirty days from the date of receipt of this order and disburse the financial benefits that have arisen out of the sanction order dated 29.7.2013 to the applicant, as admissible.

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

4. As agreed to by learned counsel for both the sides, copy of this order along with paper book be sent to Res.Nos.2 and 3 at the cost of the applicant for which Shri Routray undertakes to file the postal requisites by 20.6.2014. Free copy of this order be made over to the learned counsel for both the sides.



(R.C.MISRA)
MEMBER(A)

BKs