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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. No. 260/00677 OF 2014
Cuttack, this the 10th day of September, 2014

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

Harihar Pal,
Aged about 65 years,
Son of late Dinabandhu Pal,
Retired Cabin Master under Deputy SS/KED, E.Co.Railway,
Permanent resident of Vill- Ampare, PO- Kenduapada,
Dist.- Bhadrak, Odisha.

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

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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. Divisional Operating Manager,
East Coast Railway, Khurda Road Division,
At/PO- Jatni, Dist-Khurda.
3. Sr. Divisional Personnel Officer/
East Coast Railway, Khurda Road Division,
At/PO- Jatni, Dist-Khurda.
4. Sr. Divisional Financial Manager/
East Coast Railway, Khurda Road Division,
At/PO- Jatni, Dist- Khurda.

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



O R D E R (ORAL)

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

Heard Mr. N.R.Routray, Ld. Counsel for the applicant, and Mr. T.Rath, Ld. Standing Counsel for the Railways, on whom a copy of this O.A. has already been served.

2. Applicant has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 seeking for a direction to the Respondents to grant him 3rd financial upgradation under the MACP Scheme w.e.f. 1.09.2008 in PB-1 with GP of Rs. 2800/- and fix the pay as per RBE No. 103/2008, to issue revised PPO and pay the differential arrear salary, DCRG, Commuted Value of Pension, Leave Salary and Pension with 12% interest for the delayed period. It has been submitted by the applicant that the Railways Board issued Modified ACP Scheme on 01.09.2008 under which he is entitled to the 3rd Financial Upgradation w.e.f. 01.09.2008 and ventilating his grievance he has already made representation under Annexure-A/5 dated 18.02.2014 before the Sr. Divisional Personnel Officer, E.Co.Rly., i.e. Respondent No. 3, but till ^{date} ~~no response~~ has been received by him. Mr. Routray, Ld. Counsel for the applicant, submitted that the grievance of the applicant may be redressed if a direction is issued to Respondent No. 3 to consider his pending representation within a stipulated period.

3. Mr. T. Rath, Ld. Standing Counsel for the Railways, submits that he has no immediate instruction so far as the pendency of the representation is concerned.

4. Since the positive case of the applicant is that his representation is pending with Respondent No. 3, at this stage, without entering into the

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merit of this case, we dispose of this O.A. by directing Respondent No.3 to consider the representation under Annexure-A/5, if the same is pending with him, and communicate the decision thereof to the applicant within a period of 60 days from the date of receipt of a copy of this order. If after such consideration, the applicant is found to be entitled to the benefits claimed by him then expeditious steps be taken within a further period of 90 days therefrom to grant the same. No costs.

5. As agreed to by Ld. Counsel for both the sides, copy of this order, along with paper book, be sent to Respondent Nos. 2, 3, and 4 by Speed Post at the cost of the applicant for which Mr. Routray undertakes to file the postal requisites by 12.09.2014.


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


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

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