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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 260/000081 OF 2014
Cuttack, this the 20th day of February, 2014

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

.....

Rabi Narayan Satapathy,
Aged about 54 years,
Son of Late Sitaram Satapathy,
At present working as a Accounts Assistant,
O/O F.A. & C.A.O./E.Co.Rly./E.Co.R. Sadan,
Chakradharpur, Bhubaneswar,
Permanent resident of
Sahebzada Bazar, Chandinichowk,
Cuttack, Odisha.

.....Applicant

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

VERSUS

Union of India represented through

1. The General Manager,
East Coast Railway, E.Co.R.Sadan,
Chandrasekharpur, Bhubaneswar,
Dist-Khurda.
2. Financial Advisor & Chief Accounts Officer/
East Coast Railway/ E.Co.R.Sadan,
Chandrasekharpur, Bhubaneswar,
Dist-Khurda.
3. Director Finance (CCA),
Room No. 425, Rail Bhawan,
Railway Board, New Delhi-110001.


..... Respondents

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

ORDER (ORAL)

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

The grievance of the applicant is that as per the order of the Madras Bench of the Tribunal in the case of V.Venkataraman-Vrs.-UOI & Ors (OA No. 335 of 2007 disposed of on 26.08.2008), which was upheld by



the Hon'ble High Court of Madras in WP No. 21112 of 2008 and by the Hon'ble Apex Court in order dated 04.01.2012 in Special Leave to Appeal (Civil) CC No. 9422/2011, he is entitled to 1st and 2nd financial up-gradation under the ACP Scheme w.e.f. 01.10.1999 and 31.01.2007/01.09.2008 in scale of Rs. 6500-10500/- and Rs. 7450-11500/- (pre-revised)/PB-2 with GP of Rs. 5400/- (revised) but despite his representation dated 02.01.2014, he has neither been granted the financial up gradation under ACP Scheme nor has he been intimated the consideration, if any, given on his representation. Mr. Routray contended that the case of the applicant is covered by the order of the Madras Bench and as such non-consideration of his case is not justified.


2. Copy of this O.A. has been served on Mr. T. Rath, Ld. Standing Counsel for the Railways, who accepts notice for the Respondents. Registry is directed to serve notice in terms of Sub rule 4 of Rule 11 of ~~the~~ CAT ^{the} (Procedure) Rules, 1987 for onward transmission.

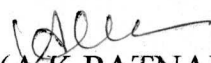
3. Heard Ld. Counsel for both sides. On being asked, Mr. Rath has fairly submitted that he has no immediate instruction as to whether any such representation, as claimed by the applicant has really been submitted by him and if so, the status thereof. He has also contended that he has no instruction as to whether the decision of the Madras Bench of the Tribunal has any applicability to the case of the applicant and, if so, how far. Mr. Rath by drawing our attention to the provision of the A.T. Act, 1985 has submitted that if at all any such representation was submitted by the applicant on 02.01.2014 he should not have filed this O.A. on 07.02.2014 before expiry

of six months period. Accordingly, Mr. Rath objected to the maintainability of this OA.

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 02.01.2014 and it is within the competence and jurisdiction of the Respondents to examine as to how far the decision of the Madras Bench is applicable to his case, without entering into the merit of this matter, this OA is disposed of at this admission stage with direction to Respondent No.3 to consider and dispose of the representation dated 02.01.2014 keeping in mind the decision of the Madras Bench of the Tribunal relied on by him in the representation 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 necessary steps be taken to extend such benefit within another period of 90 days from the date of such 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 No. 2 and 3, by speed post, for compliance, at his cost, for which he undertakes to furnish the postal requisite within three days hence.


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


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