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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

**O. A. NO. 260/00858 OF 2014**

Cuttack this the 2<sup>nd</sup> day of December, 2014

**CORAM**

**HON'BLE MR. A.K.PATNAIK, MEMBER (J)**

**HON'BLE MR. R.C.MISRA, MEMBER (A)**

.....

Sudam Charan Sethi,  
aged about 56 years,  
S/o- Late Phagu Sethi  
at present working as Tradesman  
mate Labour unskilled (TMM/USL)  
at 1<sup>st</sup> Lieutenant Office  
INS Chilka, Po- Naval Base Chilika,  
Dist:Khurda, Odisha-752037

.....Applicant

Advocate(s)- M/s- S.R. Nayak , M.K. Panda, N. Sen )

**VERSUS**

Union of India represented through

1. Secretary to the Govt. of India,  
Ministry of Defence,  
R.K. Puram, New Delhi-110001.
2. The Chief of Naval Staff,  
Naval Head Quarters,  
Director of Civilian Personal Sena Bhawan,  
Room No.100, D-11 Wing,  
New Delhi-110001.
3. Flag Officer Commanding-in-Chief,  
Eastern Naval Command Visakhapatnam,  
Mukhyalya, Poorv Nausena Kaman, Nausena Base,  
Dist-Andhrapradesh-530014.
4. Commanding Officer,  
I.N.S. Chilika,  
P.O.-Naval Base, Dist-Khurda,  
Odisha-752037.

..... Respondents

Advocate(s)..... Mr. G. Singh



ORDER (ORAL)

A.K.PATNAIK, MEMBER (J):

Heard Mr. S.R. Nayak , Learned Counsel appearing for the Applicant, and Mr. G. Singh, Ld. ACGSC appearing for the Respondent, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 in which the applicant has prayed for the following reliefs:

“...to declare that the applicant is entitled to the benefit of ACP scheme computing from the date of his initial appointment even if regularized subsequently and to direct the respondents to re-fix the pay of the applicant forthwith and disburse the arrear with interest as provided to his counterpart.”


Mr. Nayak, Ld. Counsel appearing for the applicant, submitted that the applicant, <sup>P</sup>who was initially appointed as unskilled labour w.e.f. 01.05.1979 and was regularized w.e.f. 04.02.1980. Mr. Nayak further submitted that after completion of 24 years of service the applicant got 2<sup>nd</sup> ACP w.e.f. 04.02.04 (from the date of regularization) where as, similarly placed employees have received their 2<sup>nd</sup> ACP w.e.f. their date of initial appoint. Hence the applicant has made a representation dated 07.01.2013 followed by a reminder dated 02.06.2014 (Annexure-A/3 series) before the Commanding Officer, INS, Chilika (Respondent No.4) to grant him ACP from the date of his initial appointment with a prayer to consider his case in the light of the order dated 12.08.2010 passed by this Tribunal in O.A. No.427/2010, but till date no reply has been received by the applicant and hence, he has approached this Tribunal in the present O.A. <sup>for P</sup>with the aforesaid reliefs.

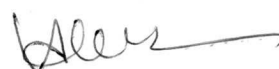
3. Mr. G. Singh, Ld. ACGSC appearing for the Respondents, submits that he has no immediate instruction if any such representation has been filed by the applicant and, if so, the status thereof.



4. In view of the aforesaid facts and the positive case of the applicant that his representation dated 07.01.2013 followed by a reminder dated 02.06.2014 (Annexure-A/3 series) is still pending before the Commanding Officer, INS, Chilika (Respondent No.4), at this stage, without entering into the merit of this case, we dispose of this O.A. by directing Respondent No.4 to consider the said representation, if the same is still pending with him, and communicate the result thereof to the applicant by way of 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 claim he is making then expeditious steps be taken within a period of 90 days from the date of such consideration to extend those benefits to the applicant. However, if in the meantime, the said representation has already been disposed of then the result thereof be communicated to the applicant within a period of 15 days from the date of receipt of copy of this order.

5. On the prayer made by Mr. Nayak, Ld. Counsel for the applicant, copy of this order, along with paper books, be sent to Respondent No. 4 by Speed Post at the cost of the applicant for which he undertakes to file the postal requisites by 05.12.2014.

  
(R.C.MISRA)  
MEMBER(A)

  
(A.K.PATNAIK)  
MEMBER(J)