

**Central Administrative Tribunal, Lucknow Bench, Lucknow**

**ORIGINAL APPLICATION No.03/2010**

This the 13<sup>th</sup> day of January, 2010.

**Hon'ble Ms. Sadhna Srivastava, Member (J)**  
**Hon'ble Dr. A.K. Mishra, Member-A**

Buddhu, aged about 53 years, son of Shri Teeka Ram, resident of Mohalla-Choaudhary, Phoolbagh, Kakori, Lucknow.

.....Applicant

By Advocate: Sri Praveen Kumar.

**Versus.**

Union of India through

1. The General Manager, Northern Railway, Baroda House, New Delhi.
2. The Divisional Superintending Engineer (Coordination), Northern Railway, Hazratganj, Lucknow.

.....Respondents

By Advocate: Shri N.K. Agrawal.

**ORDER (Oral)**

**By Ms. Sadhna Srivastava, Member-J**

The applicant seeks direction upon the respondents to grant financial upgradation in terms of Assured Career Progression Scheme read with Modified Assured Career Progression Scheme from the date when he had completed 10 years and thereafter 20 years service with all consequential benefits.

2. The facts in brief are that the applicant has been initially appointed as Helper Khalasi in 1989 and since then he is working on the said post. It is alleged in OA that on 01.10.1999 the Railway Board introduced an Assured Career Progression Scheme which provides first upgradation on completion of 12 years of service and second upgradation on completion of 24 years of service. Applicant has completed 12 years of service as such his 1<sup>st</sup> Assured Career Progression



Scheme was due. He filed representation on 7.9.2006 for grant of benefit under the said scheme. In the year 2008, the Modified Assured Career Progression Scheme has been issued then he again filed a representation but the same has not yet been decided by the respondents. It is alleged that the representations are still pending before the respondents.

3. Shri N.K. Agrawal, Standing Counsel of railways raised a preliminary objection that the applicant has filed first representation in the year 2006 and the instant OA has been filed in the year 2010, therefore, it is highly barred by limitation. He further stated that the representations filed by the applicant have not been received by the department.

4. After hearing counsel for the parties, we are of the opinion that the OA can be disposed of at admission stage by giving a suitable direction to the respondents. Accordingly, competent authority is directed to treat this OA as representation and decide the claim of the applicant by passing a reasoned and speaking order in accordance with scheme/ rules within a period of two months from the date of receipt of the certified copy of this order. The applicant is directed to supply copy of the OA alongwith the certified copy of this order to the competent authority.

4. The OA is accordingly disposed of without any order as to costs.

  
(Dr. A.K. Mishra)  
Member-A

  
(Ms. Sadhna Srivastava)  
Member-J

Amit/-