

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 19th day of March, 2010

ORIGINAL APPLICATION NO. 584/2009
With
MISC. APPLICATION NO. 67/2010

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

S.B. Gill son of Shri Bachan Singh aged about 50 years, resident of House No. 17, Chouthmal House, Hasanpura, Behind Shiv Mandir, Jaipur, at present employed on the post of Senior Peon in the office of D.C. Pay Department, North Western Railway, Jaipur Division, Jaipur.

.....APPLICANT

(By Advocate: Mr. C.B. Sharma)

VERSUS

1. Union of India through General Manager, North Western Zone, North Western Railway, Jaipur.
2. Financial Advisor Chief Accounts officer (T), North Western Zone, North Western Railway, Jaipur.
3. Chief Cashier, North Western Zone, North Western Railway, Jaipur.

.....RESPONDENTS

(By Advocate: Mr. Anupam Agarwal)

ORDER (ORAL)

The applicant has filed this OA thereby praying for the following reliefs:-

- (i) That respondents may be directed to release the benefit of order dated 18.11.2009 (Annexure A/1) by quashing the action to the extent of withholding the benefits due to pendency of Writ Petition with all consequential benefits including arrears of Pay and allowances w.e.f. 01.09.2008.
 - (ii) That the respondents be further directed to grant the applicant the second financial up-gradations with grade pay of Rs.2000 or 2400 as the case may be with all consequential benefits.
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- (iii) Any other order, direction or relief may be passed in favour of the applicant which may be deemed fit, just and proper under the facts and circumstances of the case.
- (iv) That the cost of this application may be awarded."

2. As can be seen from the prayer clause, the grievance of the applicant is regarding order dated 18.11.2009 (Annexure A/1) whereby the financial upgradation under the MACP Scheme in the pay band of Rs.5200-20200 Grade Pay 1900 w.e.f. 01.09.2008 was kept pending till finalization of the Court case.

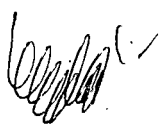
3. Notice of this OA was given to the respondents. The respondents have filed MA No. 67/2010. In this MA, the respondents have stated that in view of relief so sought, Department is ready to release the benefits treating the date of regular appointment of the applicant as 05.07.1993.

4. In view of the categorical submission given by the respondents in the MA, the grievance of the applicant does not survive and the present OA has become infructuous. The benefit flowing pursuant to the order dated 18.11.2009 (Annexure A/1) shall be paid to the applicant forthwith in any case not later than a period of one month from the date of passing of the order. It is, however, clarified that the present OA is being disposed of solely on the basis of undertaking so given by the respondents in the MA and we have not gone into merit of the case from which date the applicant is entitled for financial upgradation under MACP Scheme. In case the applicant is still aggrieved on account of grant of financial upgradation under MACP

Scheme, it will be open for him to file substantive OA and this Tribunal will consider the claim of the applicant on merit.

5. With these observations, the OA as well as MA are disposed of with no order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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