

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK**

Original Application No. 260/00764 of 2014  
Cuttack, this the 08<sup>th</sup> day of December, 2017

CORAM

**HON'BLE MR. S.K.PATTNAIK, MEMBER (J)**  
**HON'BLE DR. M. SARANGI, MEMBER (A)**

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Keshab Chandra Mohapatra,  
Aged about 53 years,  
S/o Ramanarayan Mohapatra,  
Permanent resident of At-Sogal, PO- Samitanga,  
Via- Kissan Nagar, Dist- Cuttack,  
At present working as a Technician-III/Painter,  
Office of C.W.M/CRW/East Coast Railway/  
Mancheswar, Bhubaneswar, Dist. Khurda.

...Applicant

Advocates: M/s. N.R.Routray, Smt. J.Pradhan, T.K.Choudhury,  
S.K.Mohanty.

**VERSUS**

Union of India represented through

1. General Manager,  
East Coast Railway, E.Co.R.Sadan,  
Chandrasekharapur, Bhubaneswar,  
Dist- Khurda.
2. Chief Workshop Manager,  
Carriage Repair Workshop,  
East Coast Railway, Mancheswar,  
Bhubaneswar, Dist- Khurda.
3. Workshop Personnel Officer,  
Carriage Repair Workshop,  
East Coast Railway, Mancheswar,  
Bhubaneswar, Dist- Khurda.

..... Respondents

Advocate(s) : Mr. S.K.Ojha

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## ORDER

### **S.K.PATTNAIK, MEMBER (JUDL.):**

The applicant, in this O.A., seeks quashing of the order dated 09.10.2014 (Annexure-A/8) wherein the competent authority did not grant ACP for the Trainee Artisan period with stipendiary pay and allowed ACP from regular service. The applicant has further prayed for a direction to the Respondents to grant First Financial Upgradation with effect from 30.03.2000 treating his induction as a Trainee as regular service.

2. At the outset, Ld. Counsel for the applicant drew attention of this Bench to the judgment passed in O.A.Nos. 760 and 763 of 2014. There is no dispute about the fact that this Tribunal basing on the earlier pronouncement of the Hon'ble High Court of Orissa and Hon'ble Apex Court have been pleased to observe that the training period has to be counted as regular service for the purpose of ACP as the Hon'ble High Court has categorically observed that similarly situated persons to have undergone in-service training, who were undergoing Artisan Training. Since the ratio has already been settled, this Bench is not empowered to take a different view in the light of the judgment dated 06.02.2013 passed by the Hon'ble High Court of Orissa in W.P.(C) No. 12425/2012 and Special Leave Appeal (Civil) No. 11010/2013 passed by the Hon'ble Apex Court dated 02.08.2013. Hence ordered.

3. O.A. is allowed. Annexure-A/8 dated 09.10.2014 is quashed. Respondents are directed to grant first financial upgradation to

the applicant w.e.f. 30.03.2000 treating his induction as a trainee as regular service. No costs.

(M. SARANGI)  
Member (Admn.)

(S.K.PATTNAIK)  
Member (Judl.)

RK