

No. O.A. 350/00286/2018

Date of order: 7.5.2018

Present: Hon'ble Mr. A.K. Patnaik, Judicial Member

For the Applicant : Mr. N. Roy, Counsel

For the Respondents : None

O R D E R (Oral)

A.K. Patnaik, Judicial Member:

Mr. N. Roy, Id. Counsel for the applicant is present.

2. This O.A. has been by the applicant under Section 19 of the Administrative Tribunal Act, 1985 seeking the following reliefs:-

- "a) To issue direction upon the respondents to give 3rd MACP w.e.f. the date of curtailment of training period forth to the applicant.
- b) To issue further direction upon the respondents to consider the representation, dtd. 8.01.2018 for 3rd MACP forthwith.
- c) Any other order or further order, orders as deem fit and proper, under the circumstances of the instant case.
- d) To produce connected departmental record at the time of hearing."

3. The facts as stated by the applicant is that he was appointed on 22.4.1983 under the Eastern Railway. On 21.9.1984, the Workshop Personnel officer issued an order stating that some Apprentice (Mech.) who were undergoing training, being found suitable were posted as Chargeman-'B'. Thereafter he was holding the post of Chargeman in Kanchrapara Workshop, Eastern Railway. The Chief Personnel Officer curtailed their training period and, therefore, they were absorbed against the working post under letter dated 21.3.1984. As per Railway Board's order the applicant is entitled to be absorbed against a working post on completion of two years prescribed period and he is also entitled for a Special Pay. On 19.12.2016, the Deputy Chief Accounts Officer (W), Eastern Railway, Kanchrapara issued an order that similarly circumstanced persons have approached the Tribunal by filing O.A. No. 1073 of 2015. The said order has already been implemented. Consequently, the applicant made a representation to the authority concerned for granting the benefits of 3rd MACP with effect from the date of curtailment of training period, which is still pending consideration.

4. Mr. Roy, Ld. Counsel for the applicant submits that the applicant would be more or less satisfied if a direction is issued upon respondent No. 2 to consider and dispose of the representation of the applicant dated 8.1.2018 within a specific time frame.

5. Therefore, I dispose of this O.A. by directing the respondent No. 2, that if any such representation as claimed by the applicant has been preferred on 8.1.2018 and the same is still pending consideration, then the same may be considered and disposed of within a period of six weeks from the date of receipt of this order.

6. Though I have not entered into the merits of the case, still then I hope and trust that after such consideration, if the applicant's grievance is found to be genuine then expeditious steps may be taken by the concerned respondent No. 2 within a further period of six weeks from the date of such consideration for extending the benefits as per 3rd MACP. However, if in the meantime, the said representation stated to have been preferred on 8.1.2018 has already been disposed of, then the result thereof be communicated to the applicant within a period of 2 weeks from the date of receipt of a copy of this order.

7. With the aforesaid observation and direction, the O.A. is disposed of.

8. As prayed for by Mr. Roy, Ld. Counsel for the applicant a copy of this order along with paper book be transmitted to the respondent No. 2 by speed post, for which Mr. Roy undertakes to deposit necessary cost in the Registry by this week.

(A.K. Patnaik)
Judicial Member

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