

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.309/2018.

Date of Decision: 08.06.2018.

CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)
HON'BLE SHRI R. VIJAYKUMAR, MEMBER (A)

1. Paul William Parmar
 Worked/Retired as Coach
 (ACC, BCT) Attendant,
 (Group 'D' post) under SE
 (ACC) Bct, Senior Electrical
 Shop Superintendent, Western
 Railway, Mumbai Central,
 Mumbai 400 008.
 R/at 103, 1st Floor, Sai Shraddha
 Bldg., Achole Road, M.D. Nagar,
 Nallasopara (E), Near Cristraj
 High School, Dist. Palghar 401 209.

 2. Sadgun Deoji Cristi
 Worked/Retired as Coach Attendant,
 (Group 'D' post) under Senior Electrical
 Shop Superintendent, SSE (RAC) BCT,
 Western Railway, Mumbai Central,
 Mumbai 400 008.
 R/at 204, 'A' Wing, Nine Galaxy, Mira
 Road, Ramdev Park Road, Mira Road
 (East), Dist – Thane 401 107.
- ... ***Applicants***
- (Advocate by Shri G.S. Walia)***

Versus

1. Union of India,
 Through General Manager,
 Western Railway, Headquarters'
 Office, Churchgate,
 Mumbai 400 020.

 2. DRM (Divisional Railway Manager)/
 ADRM (Additional Divisional Railway
 Manager) Mumbai Division, DRM's
 Office, Western Railway, Mumbai
 Central, Mumbai 400 008.
- ... ***Respondents***

ORDER (Oral)

Per : Shri A.J. Rohee, Member (J)

Today when the matter is called out for Admission, heard Shri G.S. Walia, learned Advocate for the Applicants. We have carefully perused the case record.

2. **MA 302/2018** is filed for permission to file Joint Petition. The same is **allowed**, since applicants are similarly placed and are seeking same reliefs.

3. Along with OA, MA 303/2018 is filed for condonation of delay in approaching this Tribunal.

4. The Applicants who retired as Coach (ACC, BCT) Attendants, Group 'D', have come up with grievance that they have not been granted financial upgradation under ACP/MACP Scheme while in service or till their retirement, although they were eligible for it.

5. In this OA which is filed after retirement, the following reliefs are, sought:-

“8.a) This Hon'ble Tribunal will be pleased to order and direct the respondents to grant benefits of ACP Scheme to applicant No.1 and pay the arrears of pension and other retirement dues by fixing the pay of the applicant no.1 under the said Scheme of ACP with effect from

01.10.1999.

8.b) *This Hon'ble Tribunal will be pleased to order and direct the respondents to grant benefits of ACP Scheme and MACP Scheme to Applicant No.2 and pay the arrears of pension and other retirement dues by fixing the pay of the applicant No.2 under the said Scheme of ACP with effect from 01.10.1999 ad also grant the benefits of MACP Scheme as has been ordered and stipulated in the said Schemes.*

8.c) *Any other and further orders as this Hon'ble Tribunal may deem fit, proper and necessary in the facts and circumstances of the case.*

8.d) *Cost of this Original Application may be provided for."*

6. Record shows that although the applicants have come up in this joint OA with a genuine claim, they have not submitted any representation to the Respondent No.2 for redressal of the said grievance. As such, there is no adverse order against the applicants declining their claim for grant of financial upgradation under ACP/MACP, which can be judicially reviewed. This being so, it is obvious that the applicants have not exhausted the

statutory remedy before approaching this Tribunal. However, instead of dismissing the present OA as pre-mature, we feel it appropriate to issue certain directions in the matter.

7. The Applicants will be at liberty to submit separate detailed representation to the Respondent No.2 annexing copies of all relevant documents within a period of four weeks from today for redressal of their grievance.

8. On such representation being made, the Respondent No.2 is directed to consider and pass a reasoned and speaking order thereon in accordance with law, within a further period of eight weeks.

9. The order so passed shall then be communicated to the applicants at the earliest, who will be at liberty to approach the appropriate forum, in case their grievance still persists.

10. The OA stands disposed of with the above directions at the admission stage, without issuing notice to the respondents or without making any comments on merits of the claim and keeping all the legal pleas open.

11. MA 303/2018 for condonation of delay also stands disposed of.

12. Registry is directed to forward certified copy of this order to both the parties at the earliest for taking appropriate steps in the matter.

(R. Vijaykumar)
Member (A)

(A.J. Rohee)
Member (J)

dm.