

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 13677 of 2018

Union of India and others

.....

Petitioners

Mr. P.K. Sahoo, Advocate

Vs.

***Girish Chandra Kabat and
Another***

.....

Opposite Parties

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE SANJAY KUMAR MISHRA

ORDER

20.07.2022

Order No.
03.

This matter is taken up through hybrid mode.

2. Heard.

3. This writ petition has been filed challenging the order dated 20.03.2018 passed by the learned Central Administrative Tribunal, Cuttack Bench, Cuttack, in O.A. No.260/00321 of 2014.

4. On a perusal of the impugned order, it is seen that learned Tribunal has passed the impugned order relying upon the decision in O.A. No.192 of 2010, which has been confirmed by this Court in W.P.(C) No.12425 of 2012 and also by the apex Court in SLP (C) No.11040 of 2013. The operating portion of the impugned order is extracted hereunder:

5. The above point has already been settled by the decision of this Tribunal dated 22.03.2012 in O.A. No.192 of 2010 as the same has been upheld by the Hon'ble High Court vide order dated 06.02.2013 in W.P.C. No.12425 of 2012 and thereafter, the matter on being appealed of in SLP(C) No.11040 of 2013, the Hon'ble Supreme Court dismissed the

same vide order dated 02.08.2013. Following the above decision, this Tribunal, later on also granted similar relief to the applicant in O.A. No.41 of 2011. Therefore, in our considered view, the point in issue being set at rest, we have no hesitation to hold that the period spent under training till the date of regularization of his service is reckonable for the purpose of grant of 1st financial up-gradation under the ACP Scheme. Accordingly, we quash the impugned order dated 09.01.2014 (A/8) and direct the respondent-Railways to reconsider the claim of the applicant for grant of 1st ACP on completion of 12 years service from 08.04.1988, by conducting a review Screening Committee meeting and subject to fulfilment of other conditions, he be so granted with consequential financial benefits.”

5. In view of the above, we do not find any infirmity in the impugned order so as to warrant any interference. Writ petition being devoid of merit, stands dismissed.

(DR. B.R. SARANGI)
JUDGE

(S.K. MISHRA)
JUDGE

Arun/Banita