

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No.281 of 1988.

Date of decision : October 31, 1988.

Baishnab Charan Nanda, son of late
B.B.Nanda, At present working as
E.D.B.P.M., At/P.O.Sarakantara,
Bhubaneswar-2.

Applicant.

Versus

1. Union of India, represented by the
Postmaster General, Orissa, Bhubaneswar
At/P.O.Bhubaneswar, Dist.Puri.
2. Senior Post Master, G.P.O.,
At/P.O.Bhubaneswar, Dist.Puri.
3. Senior Superintendent,
Post Office, Bhubaneswar Division,
Bhubaneswar, Dist-Puri. Pin.751001.

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Respondents.

For the applicant ... M/s.D.Patnaik,
C.R.Kar,
R.N.Nayak, Advocates.

For the respondents ... Mr.A.B.Mishra, Senior Standing
Counsel (Central).

C O R A M :

THE HON'BLE MR.B.R.PATEL, VICE-CHAIRMAN

A N D

THE HON'BLE MR.K.P.ACHARYA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed
to see the judgment ? Yes.
 2. To be referred to the Reporters or not ? No
 3. Whether Their Lordships wish to see the fair copy
of the judgment ? Yes.
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J U D G M E N T

K.P.ACHARYA, MEMBER (J) In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant claims an amount which is not said to have been received from the competent authority due to him on account of pay scale having been revised by the Government of India on the recommendation of the 4th Pay Commission.

2. Shortly stated, the applicant retired as Extradepartmental Branch Post Master and till 1.1.1986 his pay scale was Rs.287/- which was enhanced to Rs.347/- by virtue of the recommendation of the 4th Pay Commission which was accepted by the Government of India. The applicant claims Rs.547/- minus the amount already drawn from 1.1.1986 to 31.8.1987 i.e. for 20 months. Since admittedly the applicant had drawn Rs.287/- during this period of 20 months, the applicant claims entitlement of Rs.260/- per month which comes to Rs.5,200/-. The applicant's counsel Mr.Patnaik submitted before us that the applicant had received an amount of Rs.3550/- by money order and the balance of Rs.1650/- has not been received by him as yet. Therefore, he prays the respondents be directed to pay the balance amount .

3. We have heard Mr.D.Patnaik, learned counsel for the applicant and Mr.A.B.Mishra, learned Senior Standing Counsel (Central) on this question. Learned Senior Standing Counsel (Central) very fairly submitted that in case there is amount due to the applicant on this account, it can

not be paid, but the applicant should make a

representation and furnish a calculation sheet which would be taken into consideration by the appropriate authority and the appropriate authority would pay the amount if ^{the petitioners} ~~he~~ is legally entitled. We think there is considerable force in this contention of learned Senior Standing Counsel (Central). Therefore, we would direct the applicant to file a representation furnishing a calculation sheet which should be considered by the competent authority and a reasoned order must be passed according to law and in case it is held that the applicant is entitled to the amount claimed by him, it should be paid to him within one month from the date of the order passed by the competent authority. Mr. Patnaik undertakes that the applicant will submit his representation within a month from today.

4. Thus, this application is accordingly disposed of leaving the parties to bear their own costs.

B.R. PATEL, VICE-CHAIRMAN,

g agree



[Signature]
31-10-88
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Member (Judicial)

[Signature]
31-10-88
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Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
October 31, 1988/S. Sarangi.