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Date of decision : August 1, 1990.

...

Applicant.

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M/s. J. Das,

B.S.Tripathy,

P. K. Deo, B. K. Sahoo,

S. Mallick, K. P. Mishra,

S. K. Purohit, Advocates.

M/s.B.Pal,

O. N. Ghosh, Advocates.

O. N. Ghosh, Advocates.

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that even if in the lower post the ~~a~~ junior employee draws from time to time a higher rate of pay than the senior by virtue of fixation of pay under the normal rules say due to grant of advance increments or due to accelerated promotions, provisions contained under Establishment Serial No.124/66, Circular No.P/PC/50 dated 21.4.1966, copy of which is at Annexure-II do not apply to step up the pay of the senior employee. They have urged that since the case of the applicant has been considered under these instructions, no further relief could be given to him.

3. We have heard Mr.K.P.Mishra, learned counsel for the applicant and Mr.B.Pal, learned Senior Standing Counsel (Railways) and perused the documents. Mr.Mishra has drawn our attention to the Establishment Serial No. 344/76, No.P/3rd PC/21-III dated 25.10.1976, a copy of which forms part of Annexure-3 to the rejoinder and has urged that the contentions of the Railway Administration is based on an earlier circular and is no longer valid in view of the Establishment Serial quoted above, We have perused the Establishment serial No.344/76 dt.25.10.1976 (Annexure-3 to the rejoinder). We are further informed that the applicant has made a representation which is pending consideration by the Railway Administration vide Annexure-2 to the original application. This representation is dated 22.9.1988. This case has been filed on 24.4.1989. Under the Administrative Tribunals Act, 1985 all representations and appeals would pend when the case is filed. After having

*B. Pal*

heard learned counsel for the parties and going through the documents particularly Establishment Serial No.344/76 dated 25.10.1976 we direct that the pending representation of the applicant should be considered and disposed of by the Railway Administration (competent authority) in the light of Establishment Serial No.344/76 dated 25.10.1976 (Annexure-3 to the rejoinder) within three months from the date of receipt of a copy of this judgment.

4. This application is accordingly disposed of leaving the parties to bear their own costs.

*M. S. Enslin*  
..... 1.8.90.  
Member (Judicial)

*R. S. Shukla*  
..... 1.8.90.  
Vice-Chairman

Central Administrative Tribunal,  
Cuttack Bench, Cuttack.  
August 1, 1990/Saranghi.

