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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO:109 OF 1994

Date of decision: March 15, 1994.

Parasuram Mohapatra	...	Applicant
Versus		
Union of India & Others	...	Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? *Ans*
2. Whether it be circulated to all the Benches of the *N<sup>x</sup>* Central Administrative Tribunals or not?

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*is topin*  
(K.P. ACHARYA)  
VICE CHAIRMAN

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	Versus	
Union of India & Others	... ...	Respondents
For the Applicant	... M/s. D.R.Pattnayak, S.Pattnayak, C.R.Kar, K.C.Pradhan, S.Mallick, Advocates.	
For the Respondents	... Mr.D.N.Mishra, Standing Counsel (Railways.)	

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CORAM:-

THE HONOURABLE MR.K.P.ACHARYA, VICE-CHAIRMAN

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JUDGMENT

K.P.ACHARYA, V.C.

The matter involved in this case, is so limited I did not think it just and proper to keep it pending. Therefore, Mr.D.N.Mishra learned Standing Counsel (Rly.), present in court, was requested to go through the record and give necessary assistance to the Bench. With the consent given by the counsel for both sides, I have heard this matter on merit.

2. So far as the prayer of the petitioner for upgradation of the post, in question, is concerned no further orders are necessary in view of the judgment passed in Original Application No.521 of 1993 disposed of on 5.10.1993 read with the order passed by the Sr. Divisional Personnel Officer, Khurda Road vide Annexure 5 dated 24th November, 1993. Mr.Pattnayak learned counsel appearing for the petitioner submitted that his client

has no further grievance regarding the upgradation of the post. His only grievance is that though Annexure-5 was issued on 24th November, 1993, arrear emoluments to which the petitioner is entitled, has not been paid to him as yet. On the other hand Mr. D. N. Mishra learned Standing Counsel (Railways) submitted that at this stage it would not be possible to make a positive statement that the petitioner is entitled to any arrears. Therefore, Mr. Mishra submitted that the petitioner will be well advised to approach the Divisional Railway Manager, Khurda Road who would consider this aspect. I think there is substantial force in the aforesaid contention of Mr. Mishra. In the circumstances stated above, the petitioner may file a representation for grant of arrear emoluments to the petitioner and this representation should be filed within 15 days from today and it is directed that the Divisional Railway Manager should dispose of the representation within 30 days from the date of filing of the representation with a reasoned and speaking order taking into consideration the contents of Annexure-5 dated 24th November, 1993 forming Memo No. P/Optg./Gd./93/90. In case the petitioner still feels aggrieved by the order of the competent authority, liberty is given to the petitioner to approach this Bench. In case the competent authority's opinion that the petitioner is entitled to the arrear emoluments,

and he passes an order to the said effect, arrear should be calculated and paid to the petitioner within 60 days from the date of the order, if any passed by the competent authority .

3. As regards, the case putforward by the petitioner regarding non-existence of any post of goods-guard and the claim of the petitioner to be designated as Passenger guard, the petitioner will be well advised to file a representation before the competent authority who would give a personal hearing to the petitioner and consider all the contentions putforward by the petitioner. The competent authority should pass a reasoned and speaking order on the representation of the petitioner and in case the petitioner still feels aggrieved, liberty is given to the petitioner to approach this Bench.

4. This order is passed after hearing Mr. Pattnayak learned counsel for the petitioner and Mr. D. N. Mishra learned Standing Counsel (Railways).

5. The competent authority should also communicate the order passed by him on the presentation of the petitioner within seven days from the date of passing of the order.

6. While forwarding a copy of the judgment to the Opposite Parties, copies of the application alongwith annexures be forwarded by the Registry.

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

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15.3.94.  
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Vice-Chairman

Central Admn. Tribunal,  
Cuttack Bench, Cuttack/  
K. Mohanty/15.3.94.  
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