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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH

Original Application No. 472 of 1995

Misc. Application No. 818 of 1995

Cuttack this the 7th day of December, 1995

P. Varahala Raju ... Applicant(s)

Versus

Union of India & Others ... Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? No
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ? No

  
(P.V. VENKATKRISHNAN)  
MEMBER (ADMINISTRATIVE)

CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH

Original Application No. 471 of 1995

And

Misc. Application No. 818 of 1995

Cuttack this the 7th day of December, 1995

C O R A M:

THE HONOURABLE MR. P.V. VENKATKRISHNAN, MEMBER (ADMINISTRATIVE)

...

P. Varahala Raju

P. Way Mistry

S.E. Railway, Under APM(D) ...

Applicant

By the Advocate: M/s. Y. Subramanyam

P.K. Chand

P. Satapathy

...

Versus

Union of India represented by:

1. Chief Project Manager,  
S.E. Railway, Rayagada

2. Senior Project Manager (D)  
S.E. Railway, Rayagada

3. Chief Administrative Officer,  
(Projects)  
S.E. Railway, Bhubaneswar

4. U.V.N. Raju  
PWI-III Rayagada

5. Pattabhi Ramayya  
PWI-III-Rayagada

...

Respondents

By the Advocate: Mr. D.N. Mishra

...

O R D E R

MR. P.V. VENKATKRISHNAN, MEMBER (ADMN): Applicant who was working as

Permanent Way Mate in the South Eastern Railways was

promoted as Permanent Way Mistry by order dated

29.11.1993. He has reported for duty with effect from

29.11.1993 after-noon as Permanent Way Mistry. Subsequently, Railways changed his headquarters from Ladda to Rayagada where he is working at present. This order specifically refers to the applicant as Permanent Way Mistry. The grievance of the applicant is that even after his promotion as Permanent Way Mistry he is being paid pay due to Permanent Way Mate.

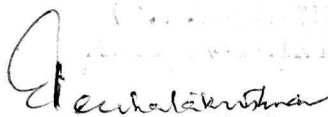
2. The respondents have not filed any counter denying the averments of the applicant. Learned counsel for the respondents wanted more time for filing counter. But it is seen that on 22.8.1995, the Tribunal had ordered the counter to be filed within four weeks. Again on 30.11.1995, the Tribunal ordered "it is noticed that already four <sup>8</sup> months <sup>8</sup> have passed since the respondents are noticed on the main application. There is a considerable delay in filing counter. As a last chance, peremptorily, the respondents are directed to file their comments on the Misc.Application and so also counter-affidavit to the Original Application within a week. This is a very heard <sup>8</sup> case where the applicant has been promoted for more than a year and he has been deprived of the higher salary although it is averred in the petition that he has been working in the higher promotional post."

3. Under the circumstances, I consider that further time need not be granted to the respondents

for filing the counter.

4. From the pleadings I find that the application can be disposed of with a direction to the 1st Respondent to examine the question of payment of salary to the applicant in the promotional post of Permanent Way Mistry and pass appropriate orders within two months from the date of receipt of this order. He shall also consider the question of payment of difference of salary for the past period for which the applicant discharged his duties as Permanent Way Mistry within the period stipulated above.

5. With these directions both Original Application No.471/95 and Misc.Application 818/95 are disposed of. No costs.

  
(P.V. VENKATESH)  
MEMBER (ADMINISTRATIVE)

//B.K.Sahoo//