

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 58 of 1996.

Cuttack, this the 15th day of March, 1999.

MAHENDRA NATH.

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APPLICANT.

- Versus -

UNION OF INDIA & ORS.

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RESPONDENTS.

(FOR INSTRUCTIONS)

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

(G. NARASIMHAM)
MEMBER (JUDL:).

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
3/99

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No. 58 of 1996.

Cuttack, 15th day of March, 1999.

CORAM:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN
AND
THE HONOURABLE MR. G.NARASIMHAM, MEMBER(JUDICIAL).

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Mahendra Nath, aged about 42 years,
Son of Late Bairagi Nath,
at present working as UDC,
Eastern Rivers Division,
Central Water Commission,
Government of India, Plot No.A-13/14,
Near Sahidnagar, Police Station,
Bhubaneswar, Dist. Khurda-4.

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APPLICANT.

By legal Practitioner: Mr.T. Rath, Advocate.

-Versus-

1. Union of India represented through its Secretary, Ministry of Water Resources, Shram Shakti Bhawan, Rafi Marg, New Delhi.
2. The Chairman, Central Water Commission, Government of India, Sewa Bhawan, R.K. Puram, New Delhi-66.
3. The Superintending Engineer, Hydrological Observations Circle, Central Water Commission, Government of India, Plot No. 25-R, behind Maharsi College of Natural Law, Bhubaneswar-7.
4. The Executive Engineer, Eastern Rivers, Division, Central Water Commission, Govt. of India, Plot No.A-13/14, near Sahidnagar Police Station, Bhubaneswar-4.

... RESPONDENTS.

S. J. M
BY legal Practitioner : Mr.B. Dash, Additional Standing Counsel (Central).

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O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Application under section 19 of the Administrative Tribunals Act, 1985, the applicant has prays for a direction to the Respondents to allow the applicant to cross the EB w.e.f. 1-3-92 in the scale of Rs.1200-2040/- at the stage after Rs.1560/- with consequential increments subsequently and for payment of all arrears within a period to be fixed by the Tribunal. He has also prayed for quashing the order at Annexure/A/1. Before completion of pleadings, the Original Application was amended and Respondents have filed a detailed counter to the amended Original Application on 22-2-99. For the purpose of deciding the OA, it is not necessary to go too much in to the facts of this case, in view of the averments made by the Respondents, in their counter. It is only necessary to say that according to the applicant, his EB at the stage after Rs.1560/- in the time scale of pay of Rs.1200-2040/- fell due on 1-3-1992 and this was not allow nor any order was passed because of certain proceedings pending against him. It is submitted by Respondents in para. 5.5 at page-7 of the counter that the case of the applicant for crossing the EB in the pre-revised scale of Rs.1200-2040/- w.e.f. 1-3-1992 is being processed shortly. In view of this, this part of the prayer of the applicant is disposed of with a direction to the Respondents to dispose of the case of the applicant for crossing of his EB at the stage after Rs.1560/- w.e.f. 1-3-1992 within a period of 60 days from the date of receipt of a copy of this order. As regards applicant's prayer

for getting his further increments after the stage of crossing the EB, this will be allowed to the applicant in due course and it is not necessary for us to pass any further orders in this regard. In view of this, learned Counsel for the applicant does not want to press for quashing the Annexure-A/1 and as such it is not necessary to pass any order in this regard.

In case, the applicant is allowed to cross the EB w.e.f. 1-3-1992, he is entitled to get the arrear payments. In view of this, the Respondents are directed that in case the applicant is allowed to cross the EB w.e.f. 1-3-1992, the arrear amounts due to be paid to the applicant, should be paid to the applicant within a period of another 60 days thereafter. It is also laid down that in case, the applicant, has any grievance with regard to the order of the Respondents, with regard to crossing of EB w.e.f. 1-3-1992, he is free to approach the Tribunal at the first instance.

2. With the above direction the OA is disposed of.

No costs.

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(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
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KNM/CM.