

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH; CUTTACK.

ORIGINAL APPLICATION NO. 93 OF 1999.

Cuttack, this the 19th day of August, 1999.

Murali @ Muralidhar Swain. Applicant.

-V e r s u s-

Union of India & Others. 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 (JUDICIAL)

(SOMNATH SOM)
VICE-CHAIRMAN
19.8.99

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 93 OF 1999.

Cuttack, this the 19th day of August, 1999.

C O R A M:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN
A N D

THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDICIAL).

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Murali @ Muralidhar Swain,
aged about 65 years,
Son of late Gobinda Swain,
Ex-Mate, Under S. E. Railway,
Khurda Division, Permanent
resident of Village Khetrapala,
PO. Ramagarh, Via. Kotasahi,
DIST. CUTTACK.

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... APPLICANT.

By legal practitioner: M/s. N. R. Routray, S. Mishra, U. K. Bhatt,
Advocates.

-VERSUS-

1. Union of India, represented through its
General Manager, S. E. Railway, Garden
Reach, Calcutta-43.
2. Chief Personnel Officer, S. E. Railway,
Garden Reach, Calcutta-43.
3. Chief Administrative Officer(P),
S. E. Railway, At/Po. Bhubaneswar,
Dist. Khurda.
4. Chief Personnel Officer,
S. E. Railway,
At/Po. Bhubaneswar,
Dist. Khurda.

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RESPONDENTS.

By legal practitioner : Mr. R. C. Rath, Additional Standing
Counsel (Railways).

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O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application under section 19 of the Administrative Tribunals Act, 1985, applicant who is a retired mate working under the Respondents has prayed for a direction to the Respondents to pay the differential of pay and allowances to him from 1-4-1973 to 23-5-1977. The second prayer is for a declaration that the action of the Respondents in not paying the above amount to applicant is illegal. As we are going to allow this petition, even going by counter filed by Respondents, we are not referring to the averments made by applicant in his petition.

2. Respondents, in their counter, have taken the plea that the proper parties have not been impleaded. There is no officer with the designation CPO, at Bhubaneswar. There is only a Dy. CPO (Construction) at Bhubaneswar. As this petition relates to payment of arrears to a retired employee, we do not think it proper on the part of the Railway authorities to take shelter of such technicalities and therefore, this contention of the Respondents that the application is not maintainable because of misjoinder of parties, is rejected. Respondents have further stated that applicant along with about 200 others were earlier working in regirdering and construction unit in the construction division. They were regularised against P.C.R. posts w.e.f. 1.4.1973. Respondents have admitted that such persons including applicant, will be entitled to arrear differential pay and allowances from the date of their absorption against P.C.R. Posts. They have also

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admitted that these amounts due to applicant and several others have not yet been paid to them. It is stated that this relates to the records which are more than 25 years old, process is time taking and that is how, they have prayed that they should be allowed one year time to make payment to applicant.

3. We have heard Mr. N. R. Routray, learned counsel for Applicant and Mr. R. C. Rath, learned Additional Standing Counsel (Railways) appearing for the Respondents and have also perused the records.

4. As the claim of applicant is already admitted by the Respondents, we dispose of this Original Application with a direction to the Respondents that the claim of applicant should be settled and paid to him within a period of six months from the date of receipt of a copy of this order. We would also like to observe that as these are low paid employees, their claims with regard to arrear emoluments should be settled as quickly as possible and if necessary Railways may ~~recruit~~ ^{employ} engage special accounts and other staffs to complete the process for payment of the arrears within a period indicated by us above and make payment.

5. With the above directions and observations the Original application is disposed of. No costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN

KNM/CM.