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O.A.NO. 418 OF 2000

ORDER DATED 06-01-2003.

None appears for the Applicant despite, repeated calls. In the said premises, perused the Original Application and the counter filed by the Respondents with the aid and assistance of Mr. Ashok Mohanty, learned Senior Counsel for the Railways and Mr. R.C. Rath, learned Standing Counsel for the Railways, appearing for the Respondents.

Applicant has raised several claims in this original Application filed on 23rd of August, 2000 under Section 19 of the Administrative Tribunals Act, 1985; in which counter has been filed by the Respondents disclosing that all the dues, asked for by the Applicant, have already been paid to him. In paragraphs 6, 7, 8 and 9 of the counter the Railways/Respondents have disclosed as under:

*6. That in response to the averments made in para-4.3, it is submitted that the applicant was promoted to the Asst. Teacher Gr.II on 30.9.72. As regards stepping up of pay, no application whatsoever was received in time. However, in accordance with the directions passed by this Hon'ble Court in OA No.120/96 directing to dispose of the representation of the petitioner, the case was disposed of in favour of the applicant and the applicant was granted an amount of Rs.1112/- which has been passed for payment vide C.O. 7 No.993335 dt. 10.7.1996 and as such it is false to say that the matter was not set at rest. So far as averments made in para 4.4 is concerned, it is humbly submitted that the arrear salary in respect of 4th Pay Commission has already been passed vide CO 7 No. 05491075 dt. 14.5.2001. M

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7. That the averments made in Para 4.5 is not correct. It is humbly submitted that the Applicant has been paid the entire interim relief i.e. from 16.9.93 @ Rs.100/-PM (Interim Relief-I), from 1.4.95 @ 10% of pay (Interim Relief-II) and again from 1.4.96 @ 10% of the basic pay (interim Relief-III).

8. That there are no other dues pending with the Railway in respect of the Applicant at present. It is humbly submitted that amount of Rs.2723/- was recovered from him towards electrical charge and House rent dues. Details of copy of the said recovery amount is filed as Annexure-A series.

9. That in response to the averments made in para-4.6 it is humbly submitted that interim relief has been stopped from 1.1.1996 as per 5th Pay Commission and his pay for 5th Pay Commission has been fixed w.e.f. 1.1.1996 in the scale of pay of Rs.6,500/- to Rs.10,500/- taking the first two Interim relief into account and as such question of further payment of Interim Relief does not arise. It is not a fact that the applicant is entitled to Rs.2206/- as claimed".

Applicant who has not filed a rejoinder in this case is hereby given an opportunity to represent the Railways/ Respondents/Authorities, if he has got still any grievances to be redressed. If the Applicant would make a representation by the end of January, 2003 by raising specific claims, then the Respondents should consider the same and pass necessary orders thereon by the end of March, 2003 and communicate the result thereof to the applicant.

In this Original Application, the Applicant has also claimed "fixed medical Allowances" at the rate of Rs.100/-P.M. In para 10 of the counter, the Respondents have answered it as under:-



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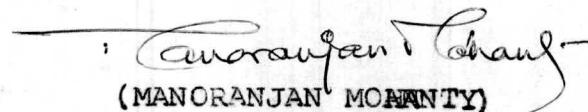
*10. That the averments made in para-4.7 are not correct. It is humbly submitted that the medical allowance of Rs.100/-PM payable by the Bank from where the applicant was drawing pension provided that no medical facility is available where the applicant resides. The applicant has to produce relevant documents to the concerned bank that no medical facility is available where he resides".

In this view of the matter, the Applicant should substantiate his claim relating to "fixed Medical Allowance" of Rs.100/- PM and take the said benefits.

With the aforesaid observations and directions, this Original Application is disposed-of; leaving the parties to bear their own costs.

Send copies of this order to all the parties (Applicant and Respondents) and free copies of this order be handed over to the counsel for both sides.

Mr. Rath, learned Standing Counsel for the Railways, appearing for the Respondents, undertakes to send a copy of this order alongwith a copy of the counter (filed by the Railways/Respondents in this case) to the applicant by Regd. Post before 10.1.2003 (under intimation to the Registry) in the address given in the O.A.


(MANORANJAN MOHANTY)

MEMBER (JUDICIAL)

06-01-2003