



FORM No. - 4

See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH

ORDER SHEET

Original

Application No. 717 of 2003

Applicant(s)..... Haribar Patra..... Respondent(s) Union of India & Ors.....

Advocate for Applicant(s) M/S S. K. Dash..... Advocate for Respondent(s).....

S. K. Misra, B. Mohapatra

S. Dash, M/s. A. Dhalasamant

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

9.P.O. for Rs.50/- filed.

For consideration pt.

30/9

S.O. (J)
Rah
30/9/03

This case is analogous to
OA 637/03. Hon'ble Com. deserves
to take up this OA today.

For Regn

pt.

Rah
13/10/03

DR.

DR

REGISTER
3/11/2003
Order dated 4.11.2003

Heard Shri S.K.Dash, learned counsel for
the Applicant and Shri R.C.Rath, learned
Standing Counsel (on whom a copy of this O.A.
has been served) appearing on behalf of the
Respondents-Railways.

Prayer has been made in this O.A. filed
under Section 19 of the A.T.Act, 1985 that the
order passed by the Chief Personnel Officer
dated 4.7.2003 of the S.EZ Railways

Registration
Defects not 13.10.03
new
A
13/10/03

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Defects removed.
for Registration Pl.

R
31.10.03

S.O. (CJ)
Rb
31.10.03
Bench
03.11.03
31.11.03

DR
Registrar (S)

31.11.03

For Afragation.

A
3.11.03

Bench.

has not fully met the ends of justice as the Applicant has been given only preforma promotion w.e.f. 1.1.1984. This would mean that the Applicant will not be entitled to arrear salary to the upgraded post equal to the pay drawn by his immediate junior. During the hearing of the matter, it also came to our notice that the order dated 4.7.2003 passed by the Chief Personnel Officer of the South Eastern Railway is to be implemented now by the successor Railway, i.e., East Coast Rly, consequent upon the bifurcation of the South Eastern Railway w.e.f. 1.4.2003. However, as the grievance of the Applicant was finally disposed of on our direction by the Chief Personnel Officer, S.E.Railway and his order with regard to granting of financial benefits consequent upon restoration of his seniority relate to the period of pre-bifurcation of the Railways, the Applicant should file a representation before the said Chief Personnel Officer for reconsideration of the order passed by him on 4.7.2003 at para 2.3 and to issue further such order as may be admissible under rules with regard to grant of benefits of pay fixation at the higher grade consequent upon restoration of his seniority position above Susanta Mukherjee, R.K.Banerjee and S.P. Dasgupta. We further direct that the Applicant would submit his representation before the Chief Personnel Officer of S.E.Railway within a period of thirty days from the date of

receipt of this order and upon receipt of such a representation the said functionary, i.e., Chief Personnel Officer of the South Eastern Railway should dispose of the same within a period of sixty days of its receipt.

With the above directions, this O.A. is disposed of at the admission stage. No costs.

Send copies of this order along with copies of the O.A. to the Respondents and free copies of this order be given to the learned counsel for both the sides.

John
VICE CHAIRMAN 4/11

John
MEMBER (JUDICIAL) 04.11.03

Copy of order
04.11.03 a/w
or copy issued
to all the parties
by post. The same
copy of order issued
to the counsel
for both side.

BB
10/11/03
S.O.

AB
10/11/03