

X

O.A. No. 723/06

ORDER DATED 18th AUGUST, 2008

Coram:

Hon'ble Shri Justice K. Thankappan, Member (J)

Hon'ble Shri C.R. Mohapatra, Member (A)

Heard Mr. N.R. Routray, Ld. Counsel for the applicant and Mr. T. Rath, Ld. Counsel for the Respondents.

2. The applicant has prayed for the following relief in the Original Application:-

“To direct the Respondents to re-fix his scale of pay in the scale of pay of Rs.825-1200/- instead of Rs.825-1150/- from 01.01.1987 to 31.12.1995 and in the scale of pay of Rs.2750-4400/- instead of 2650-4000/- from 01.01.1996 to 31.12.2001.

And direct the Respondents to pay the differential arrears of retirement and pensionary benefits such as pension commutation, D.C.R.G. & Leave Salary in the scale of pay of Rs.2750-4400/”

3. Opposing the prayers of the applicant in this Original Application, a counter has already been filed by the Respondents. In Paragraph 3 of the counter it is stated as under:-

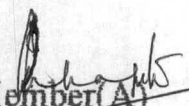
“...it is humbly submitted that the applicant was initially regularized in a Group-D, P.C.R. Post w.e.f. 01.04.1973 in the scale of pay of Rs.750-940/- and not as key man as alleged in para-4.1 of the Original Application.

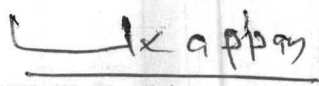
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It may not be out of place to mention here that the bare perusal of the submissions made in the Original Application and the representation annexed as Annexure-A/4 & A/5 goes to show that the submissions made therein are full of contradictions therefore the Respondents while reserving their right to file a full phased counter in future, humbly submits that at present after getting the representation from the applicant the question of allowing the scale of pay of Rs.825-1200/- w.e.f. 1.1.1987 and further the scale of pay of Rs.2750-4400/- w.e.f. 1.1.1996 to 31.12.2001 is being taken for consideration and if the same is found legitimate and permissible under Rules the same will be granted to the applicant if agreed by the Associated Finance. “

4. In consideration of Paragraph 3 of the counter, we are of the view that this Original Application can be disposed of by directing the Respondent Nos.4 & 5 to consider Annexure-A/4 representation dated 20.02.04, in the light of the grounds urged therein. Hence this O.A is disposed of accordingly, by directing the Respondents to consider the above representation within a reasonable time, at any rate within 60 (Sixty) days from the date of receipt of the copy of this order. This order is passed without considering the O.A. on merit as the grounds urged in Annexure-A/4 representation are left open for consideration by the Respondents. Ordered accordingly


Member (A)


MEMBER (J)