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**O.A. No. 141 of 2008**

CORAM: Hon'ble Mr. K.V.Sachidanandan, Vice-Chairman  
Hon'ble Mr. C.R.Mohapatra, Member (A)

**Order dated: 19.03.2008**

The applicant was appointed in the post of Cook on temporary basis on 17.10.1977 and became permanent in 1990. The grievance of the applicant is that he is being denied the benefit of the time scale of pay of Rs. 3050-4590/- vide 5<sup>th</sup> Central Pay Commission's recommendation. It is also the case of the applicant that the 2<sup>nd</sup> Financial Upgradation in the Scale of Pay of Rs. 4000-6000/-, after 24 years of service, was not granted. Being aggrieved by this, he has filed the present O.A. with the following reliefs:-

- “ (i) quashing the order of Central Institute of Indian Languages Mysore, dated 07.02.2002 vide Annexure-2.
- (ii) Issuance of direction to Respondents to extend the benefit of scale of pay of Rs. 3050-75-3950-80-4590 retrospectively from 1.1.1996 on the basis of the recommendations of the 5<sup>th</sup> Central Pay commission and the scale of Rs. 4000-100-6000 retrospectively from 21.10.2001 towards second financial upgradation under the ACP Scheme
- (iii) Issuance of direction to the Respondents to pay to the applicant the arrears of pay consequent upon refixation of his pay w.e.f. 1.1.96 and 21.10.2001.”

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Heard Ms. C. Padhi, Ld. Counsel for the applicant and Mr. U.B. Mohapatra, Ld. Sr. Standing Counsel for the Respondents.

When the matter came for hearing, the Ld. Counsel for the applicant submitted that the applicant made two representations on 2005 and 2006 without getting any answer. Ld. Counsel for the Applicant also brought to our notice the decision, in identically placed persons, of the Bangalore Bench of the Tribunal in O.A. No.160/05 dated 22.08.2005, wherein the enhanced benefit has already been granted to the similarly situated persons. The Applicant wants the equal treatment in his case. Ld. Counsel for the Applicant submits that he is not aware whether this order has become final or not. However, Ld. Counsel for the applicant submits that she would be satisfied if the applicant's representation is disposed of within a time frame.

In the interest of justice, we direct the applicant that the applicant shall forthwith submit an application with all relevant records including the copy of the order of the Tribunal and implementation order thereof to Respondent No.2 and Respondent No.2 or any other competent authority shall consider the same within time frame of three months from the date of receipt of a copy of such representation.

The O.A. is disposed of, in the circumstances, with no order as to costs.

  
MEMBER (A)

  
VICE-CHAIRMAN