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O.A. No. 417 of 2008

M. D. Khan.....Applicant  
Vs  
Union of India & Ors.....Respondents

Order dated: 25.07.2011

CORAM:

Hon'ble Shri C.R. Mohapatra, Member (Admn.)  
&  
Hon'ble Shri A. K. Patnaik, Member (Judl.)

Neither the applicant nor his counsel is present.

2. Nobody appears for the Respondents too.

3. This O.A. has been filed by the applicant on 19.09.2008. When this matter came up before the Bench on 04.11.2008, it was ordered to put up the matter as and when moved possibly because none appeared for the applicant. It is seen from the record that thereafter no step has been taken by the applicant for listing of this matter before the Bench. Hence, this O.A. has been lying unattended. Registry has put up this matter before this Bench today.

4. We have considered the background of the case and it is seen that entire O.A. revolves around the recommendation of the 5<sup>th</sup> Pay Commission as it has made the reference to the recommendation of the anomaly committee which was constituted to remove certain anomaly arising out of the implementation of the recommendation of

the 5<sup>th</sup> Pay Commission. Today, we are aware that the 6<sup>th</sup> Pay Commission's recommendations have been implemented by the Government and new scales of pay have been allowed in respect of the Central Govt. employees, which are also applicable to autonomous bodies like Indian Council of Medical Research of which RMRC is a constituent unit. The applicant is working in this RMRC as a Driver. Since there was a disparity between the scales of Drivers as a sequel to the 5<sup>th</sup> Pay Commission recommendation, this O.A. was filed in September, 2008.

5. In view of the fact that the Ld. Counsel for the applicant has remained absent, we are not certain as to whether any relief has already been given to the applicant as sought for in this O.A.

6. Against the above background, it would not be possible for us to entertain this O.A., at this juncture, particularly in the absence of either the applicant or Ld. Counsel for the applicant.

7. Accordingly, the case is dismissed for non-prosecution.

  
MEMBER (Judl.)

RK

  
MEMBER (Admn.)