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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A.No. 399 of 2010
Cuttack, this the 29th day of July, 2010

Gadadhara Applicant
-Versus-
Union of India & Others Respondents

C O R A M
THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)

Fact of the matter is that the Applicant is a retired employee of the Railway. He retired from service on 31.3.2007 while working as Bridge Khalasi under the Deputy Chief Engineer Construction/(Design), East Coast Railway, Bhubaneswar. Respondents, stating grant of the second financial upgradation to the applicant under ACP Scheme from the scale of pay of Rs.3050-4590/- to Rs.4000-6000/- w.e.f. 01.04.2000 was erroneous, withdrew the same vide order under Annexure-A/4 dated 22.6.2005. But the Applicant did not agitate against such order of withdrawal of the benefit either before his authority through any representation or before any court of law. However, as it appears from the record, one such employee having faced similar types of order agitated before this Tribunal in OA No.660 of 2005. The matter was disposed of by this Tribunal on 22.11.2007. Thereafter, the Respondents filed W.P (C) No.7429 of 2008 before the Hon'ble High Court and in order dated 8.7.2008 the Hon'ble High Court of Orissa disposed of the matter upholding the order of this Tribunal. After which by making representation under Annexure-A/8 dated 4.2.2009, Applicant sought annulling the order under Annexure-A/4 by application of the decision of this Tribunal and Hon'ble High Court of Orissa stated above. Alleging no action on the said representation, the applicant approached this Tribunal with a Misc. Petition seeking condonation of delay seeking the following reliefs:

"a) To quash the impugned order of rejection dated 22.6.2005 under Annexure-A/4 by extending the benefit of order dated 22.11.2007 passed in OA N. 740/2005 and 26.11.2008 in OA No.431/2008 to the applicant and pay the consequential benefits i.e. differential recovered salary, leave salary, gratuity, commuted value of pension and pension after refixing pay in scale of Rs.4000-6000/-."

2. Heard Mr.Routray, Learned Counsel for the Applicant and Mr.S.K.Ojha, Learned Standing Counsel for the Railway-Respondents and perused the materials placed on record. Mr. Ojha, Learned Standing Counsel raised objection ~~of~~ ^{to} entertaining this OA on the ground of delay and laches and seeks to take instruction on this OA. By filing separate application ^{applicant} has sought condonation of the delay on the grounds stated therein. In view of the above and in view of the fact that the representation submitted by the Applicant under Annexure-A/8 is still pending with Respondent No.3 no useful purpose would be served in keeping the matter pending especially when the applicant is a retired employee.

3. As such, without expressing any opinion on the merit of the matter, this OA is disposed of at this admission stage with direction to the Respondent No.3 that if the representation under Annexure-A/8 is really received and no decision is taken thereon till date, to take a decision on the said representation of the applicant on merit, by providing a personal hearing to the applicant if he ^{asked} ~~asked~~ for and communicate his decision with a reasoned order, to the applicant within a period of sixty days from the date of receipt of a copy of this order. Registry to send copies of this order along with copy of the OA to the Respondent No.3 for compliance.


(C.R.Mohapatra)
Member(Admn.)