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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A.No. 413 of 2010
Anadi Das ... Applicant
Versus
Union of India & Ors. ... Respondents

Order dated 06-09-2010.

PRESENT:

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

By filing this second round of litigation under section 19 of the Administrative Tribunals Act, 1985, the Applicant who retired from service on 31.1.2008 while working as Gangman (Store) in the office of Controller of Stores, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar seeks the following direction:

“(i) To direct the Respondents to pay the differential arrears pension by fixing monthly pension at Rs.3500+DA w.e.f. February, 2008;

And pass any other order as this Hon'ble Tribunal deems fit and proper in the interest of justice.”

This matter is listed today for considering on the question of admission. It has been submitted by Learned Counsel for the Applicant that he does not want, with the aforesaid prayer to press this OA and seeks to amend this OA with reference to the contentions raised by him in paragraph 4.11 i.e. direction for payment of Rs.100/- p.m. as medical allowance. This was vehemently opposed by Mr. Ojha, Learned Standing Counsel for the Railways on whom copy of this OA has been served. His line of objection is that as the amendment will change the nature and character of the OA, the applicant should not be allowed ~~to~~ amendment^g the OA and if he has any grievance in regard to payment of Medical Allowance he is at liberty to file fresh OA. Considering the arguments advanced by Learned Counsel for both sides, this OA is dismissed as not pressed.

However, Learned Counsel for the Applicant sought liberty to make representation in regard to payment of medical allowance of R.100/- per month as he has actually not ~~been~~ received the same and has sought issuance of direction to the Respondents to consider and dispose of the same within a stipulated period. Though this was opposed by Mr. Ojha, Learned Standing Counsel for the Respondents that no order can be passed in anticipation without making any such representation, taking into consideration that the applicant is a retired employee of the Railway, I do consider that ends of justice would be met if liberty is granted to the Applicant to make representation to the appropriate authority/Respondents praying to consider release of such medical allowance of Rs.100/- pm and the concerned authority/Respondent shall consider the said representation and communicate its decision in a reasoned order to the Applicant within a period of 60 days from the date of receipt of such representation, if it is made within a period of seven days by the Applicant. Ordered according.

Send copy of this order along with copy of the OA to the Respondent No.3 for compliance.


Member (Admin.)