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O.A. No. 514/10

ORDER DATED 1<sup>ST</sup> NOVEMBER, 2010

Sri B.M. Mohanta . . . . . Applicant  
Vrs.

Union of India & Others . . . . . Respondents

Coram:

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

Heard Sri. S.N. Sahoo, Ld. Counsel appearing for the applicant and Sri S. Mishra, Ld. Addl. Standing Counsel appearing on notice for the Respondents on whom a copy of this O.A. has already been served on 13.08.2010 and perused the materials placed on record.

2. Sri. Sahoo, Ld. Counsel appearing for the applicant submits that the contention of the applicant is that though he was promoted with retrospective effect in the scale of Rs.10,000 - 325- 15,200/- he has not received the differential in pay and allowances for the period from October, 1999 to May, 2009. From May, 2009 onwards he had received pay and allowances at the higher scale of pay. He has already submitted representation to Respondent No.1 on 22.12.09 (Annexure-A/5) claiming the arrears of pay and allowances in the scale of Rs.10,000 - 325- 15,200/. Since no response has been received so far from the Respondents, the applicant has approached this Tribunal by filing this present Original Application under Section 19 of the Administrative Tribunal's Act, 1985, with following prayer:-

"It is humbly prayed that this Hon'ble Tribunal after hearing the parties be pleased to allow this O.A. by directing the Respondents to extend the scale of pay as per the pay fixation made under Annexures-A/3 and A/4 for the period from

October, 1999 to May, 2009 in favour of the applicant and be further pleased to direct the Respondents to calculate the differential arrear salary for the said period and disburse the same in favour of the applicant within stipulated period."

3. Sri Mishra, Ld. Addl. Standing Counsel for the Respondents submits that he has no instruction in this matter so far.

4. Since the representation has not yet been considered and decided and it is a matter where apparently there is no dispute regarding the date of promotion of the applicant to the higher grade, and as agreed to by the Ld. Counsel for the parties, without going into the merit of the case, Respondent No.1 is hereby directed to consider the pending representation at Annexure-A/5 and communicate the decision/disburse the salary if otherwise admissible for the period from October, 1999 to May, 2009 within a period of three months of the date of receipt of the copy of this order.

5. With the above observation and direction this O.A. is disposed of at the stage of admission itself. No costs.

6. Send copy of this order to the Respondent No.1 (together with the copy of this O.A.) by Registered Post at the cost of the Applicant. Mr. Sahoo, Ld. Counsel appearing for the Applicant undertakes to deposit the required postages by tomorrow.

7. Copy of this order be also sent to the Ld. Counsel appearing for the parties.

  
MEMBER(A)