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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.89 of 2011

Bidhu Bhushan Mishra Applicant
Versus
Union of India and Others Respondents

Order dated : the 25th February, 2011.

CORAM:

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

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Applicant is a retired IPS officer of the State of Orissa. This OA has been filed by the applicant challenging the action/inaction of the Respondents in not extending the benefit of merger of 50% of DA with basic pay as Dearness Pay in his favour w.e.f. 1.4.2004 which he is entitled to as per the Government of India Ministry of Finance Office Memorandum No. 105/1/2004-IC dated 01.03.2004 read with Government of India Ministry of Personnel PG & Pension Letter No. 104021 dated 31.3.2004 and orders of this Tribunal dated 16.10.2006 in OA No. 557 of 2005 and order dated 21.4.2008 in OA Nos. 205&206 of 2008 of this Tribunal. It is the contention of the Applicant that by making representation under Annexure-5 dated 27.10.2009 he requested extension of the benefit of merger but the Respondents sat over the said representation without any action. Hence by filing the present Original Application U/s.19 of the A.T. Act, 1985 his ultimate prayer is to direct the Respondents to pay him the said benefit at an early date.

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2. Copy of this Original application has been served on Mr. U.B.Mohapatra, Learned SSC for the Union of India but not on Mr. A.K.Bose, Learned Government Advocate for the State of Orissa as Mr.Bose was not present in Court today. However, heard Learned Counsel for both sides and perused the materials placed on record. As it *prima facie* appears, the case of the applicant is covered by the earlier decision of this Tribunal 16.10.2006 in OA No. 557 of 2005 and order dated 21.4.2008 in OA Nos. 205&206 of 2008. Even then I do not like to take any final decision on the issue without giving opportunity by way of issuing notice and considering the reply of the other side. But as it further appears the representation submitted by the applicant in Annexure-5 dated 27.10.2009 is still pending consideration. In view of the above and keeping in mind that the decision of the Government of India is of the year 2004 and despite the retirement of the applicant it has not been settled till date, as agreed to by Learned Counsel for both sides, 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.2 to consider the representation in Annexure-5, (**though it is addressed to the Special Secretary to Government in GA Department**) keeping in mind the aforesaid decision of this Tribunal and communicate the result of such consideration in a well reasoned order to the applicant within a period of 45 days from the date of receipt of copy of this order. There shall be no order as to costs.

[Signature]

3. Send copy of this order along with OA to the Respondent
No.2 for compliance.

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

