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**Bhagirathi Mohapatra Vrs. UOI**

**Hearing Sl. No. 1**

**O.A. No. 98 of 2011**

Order dated: 10.02.2014

CORAM

**HON'BLE SHRI A. K. PATNAIK, MEMBER (JUDL.)**

**HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)**

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Heard Mr. S.N.Mishra, Ld. Counsel for the applicant, and  
Mr. U.B.Mohapatra, Ld. Sr. CGSC appearing for the Respondents.

We find from the record that in this O.A. the prayer of the applicant is for direction to the Respondents to grant him the benefits of the higher pay of non-functional upgradation in terms of the orders under Annexures-A/4 and A/5. In this connection, the applicant has made representation to the authorities which was duly considered and intimated vide letter dated 17.09.2010 (Annexure-A/10) that the case of the applicant will be considered as per his eligibility.

Mr. Mishra's contention is that by the time the letter dated 17.09.2010 was issued the applicant was eligible to get the benefits. Therefore, the letter dated 17.09.2010 is not sustainable.

We find that there is no prayer to quash the letter under Annexure-A/10. On being pointed out, Mr. Mishra prayed leave of this Tribunal to withdraw this O.A. with liberty to file a better O.A.



In view of the above, this O.A. is disposed of as withdrawn with liberty to the applicant to file O.A. afresh, if so advised within a period of three weeks from today. There shall be no order as to costs.

  
MEMBER(Admn.)

  
MEMBER(Judl.)