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O.A. No.138/2011

ORDER DATED 21st APRIL, 2011

Sri A.K. Ray.....Applicant

Vrs.

Union of India & OthersRespondents

Coram:

HON'BLE MR. C.R. MOHAPATRA, MEMBER ADMN.

&

HON'BLE MR. A.K. PATNAIK, MEMBER JUDL.

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Heard Sri G.Rath, Ld. Sr. Counsel for the applicant and Sri U.B. Mohapatra, Ld. Sr. Standing Counsel appearing for the Respondents.

2.This Original Application has been filed by the applicant with the following prayer :-

"To quash the orders of the Respondent No.3 dated 23.02.2011 (Annexure-A/7) regarding withdrawal of the financial upgradation granted to the applicant w.e.f. 01.09.2008 onwards for being illegal, irregular and contrary to the provision of the MACP Scheme.

And

To order that the reduction of the pay of the applicant w.e.f. 01.09.2008 was illegal and irregular and no recovery should be made from the pay of the applicant towards the so called excess payments w.e.f. 01.09.2008 onwards and to refund the amounts recovered from the applicant's salary for the month of February-2011."

3. This matter came up on 15.03.2011 for hearing on the question of admission and interim order. This Tribunal vide order dated 15.03.2011, while directing notice to the Respondents, as an interim measure, directed that no recovery should be initiated till 31.03.2011. While the matter stood thus, the Respondent-Department filed M.A.287/11 seeking vacation of interim orders, as aforesaid. This matter was taken up

on 31.03.2011, when at the instance of the Ld. Counsel for the applicant for filing objection to M.A 287/11 the matter was adjourned to 15.04.2011 for consideration of M.A.287/11. In the circumstances, the interim order so granted was allowed to continue up till 15.04.2011. On 15.04.2011, again the matter was adjourned to 19.04.2011 at the instance of the Ld. Counsel for the applicant on the same plea. On 19.04.2011, also the matter was adjourned to 21.04.2011 allowing the interim order to continue till then. Ld. Counsel for the applicant has not filed any objection to M.A.287/11 so far. On 21.04.2011 when M.A.287/11 was taken up for considering further continuance or otherwise of the interim order, Ld. Counsel for both sides urged that since the representation submitted by the applicant dated 28.02.2011 vide Annexure-A/8 is still lying undisposed of, they will be satisfied if a direction is issued to the concerned authority to dispose of the said representation.

4. In consideration of the submissions made and as agreed to by the Ld. Counsel for the parties, without going into the merit of the case at this stage, it is considered that the ends of justice will be met by directing Respondent No.2 to consider and dispose of the pending representation vide Annexure-A/8 and pass a reasoned order within a period of two months from the date of receipt of copy of this order under intimation to the applicant. Ordered accordingly.

5. However, it is made clear that until the representation as directed above is disposed of, no recovery shall be effected.

6. Since by this order the O.A. is virtually disposed of, order dated 15.03.11 directing notice to the Respondents for filing counter is hereby recalled.

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7. As the present O.A. is disposed of, M.A.287/11 is disposed of accordingly.

8. Send a copy of this order to Respondent No.2 for compliance and free copies of this order be made over to the Ld. Counsel for the parties.

Adle
MEMBER JUDL.

Frank
MEMBER ADMN.

K.B

