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O.A. No.479/2011

ORDER DATED 28th OF JULY, 2011

Pitambar KhilarApplicant
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 N.R. Routray, Ld. Counsel for the applicant and Sri S.K. Ojha, Ld. Standing Counsel appearing on notice for the Respondents/Railways on whom a copy of this O.A. has already been served and perused the materials placed on record.

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

“(i) To direct the Respondents to grant Grade Pay of Rs.2800/- w.e.f. 01.01.2006 and pay the differential arrear salary, leave salary, DCRG, Commuted value of Pension and Pension with 12% interest.”

3. It is the contention of the applicant that though this Tribunal vide order dated 05.01.2011 in O.A. No.01/2011 directed the Respondents to consider the pending representation at Annexure-A/3 and dispose of the same in accordance with rules, under intimation to the applicant, within a period of three months from the date of receipt of this order, no order has been issued so far. It is stated that the representation has been forwarded by the Divnl. Finance Manager (Per), East Coast Railway, Khurda Road to the Sr. D.P.O (Settlement), East Coast Railway, Khurda Road who has now been added as Respondent No.4 in the present O.A. Though this representation has been sent to the Respondent No.4 on 10.01.2011 no decision having


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been taken so far, the applicant has been compelled to approach this Tribunal once again for the same relief.

According to the Ld. Counsel, although the applicant is entitled to the Grade Pay of Rs.2800/- w.e.f. 01.01.2006 with the consequential financial benefits, i.e., differential arrear salary, leave salary, DCRG, Commuted value of Pension and Pension etc., the same having not been extended, he has submitted a representation vide Annexure-A/3 dated 30.08.2010 to Respondent No.2. Since the applicant could receive no response, he has moved this Tribunal in the present O.A. with the prayers as referred to above.

4. During the course of hearing on admission Ld. Counsel for the applicant submitted that in the fitness of things a direction may be issued to Respondent No.4 to whom the representation dated 30.08.2010 vide Annexure-A/3 has been forwarded to consider and dispose of the same keeping in mind Annexure-A/5 dated 10.01.2011. Ld. Counsel for the Respondents has no objection to this.


5. Hence, as agreed to by the Ld. Counsel for the parties, without going into the merit of the case, Respondent No.4 is directed to consider and dispose of the pending representation vide Annexure-A/3 keeping in mind Annexure-A/5 dated 10.01.2011 and pass a speaking & reasoned order within a period of 60 (sixty) days from the date of receipt of copy of this order under intimation to the applicant. In case it is decided that the applicant is entitled to Grade Pay of Rs.2800/- instead of Rs.2400/-, he may be so granted with consequential financial benefits as due and admissible within two months thereafter.



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

7. Send copies of this order along with copies of the O.A. to Respondents No.3 to 4 for compliance. Free copies of this order be also made over to the Ld. Counsel for the parties.


MEMBER JUDL.


MEMBER ADMN.

K.B