

OA No. 213 of 2009

Purna Chandra Mallick .... Applicant  
Versus  
Union of India and Ors .... Respondents

1. Order dated 28.05.2009.

Applicant retired from service while working as Fire Supervisor in the ARC, Charbatia on reaching the age of superannuation w.e.f. 31.10.2007. In this Original Application he challenges the order under Annexure-A/2 dated 12<sup>th</sup> May, 2006 withdrawing/modifying the benefits granted under ACP to the Applicant and similarly placed other employees of the ARC Charbatia under Annexure-A/1. By filing application separately he has also sought condonation of delay in approaching this Tribunal.


2. Having heard Mr.B.S.Tripathy, Learned Counsel for the Applicant and Mr. D.K.Behera, Learned Additional Standing Counsel appearing on behalf of the Respondents both on the merit as well as on the question of limitation, perused the materials placed on record. Learned Additional Standing Counsel laid more emphasis for not entertaining this OA on the ground of being grossly barred by limitation that on the merit. During hearing it was brought to the notice of this Tribunal that the order impugned in this OA has been challenged by other similarly situated persons in OA Nos. 764 and 765 of 2005 and many others filed by Udayanath Mati and others v Union of India and others. The Division Bench of this Tribunal in its order dated May, 2009 disposed of the matter with observation and direction. On perusal of the records, order vis-à-vis the record of this



4

case it is found that the present case can be disposed of on merit than on technicality; especially when the Applicant is no more in service by directing the Respondents to consider the case of the Applicant in the light of the decisions already rendered by this Tribunal in the case of Udayanath Mati and others (supra) and pass reasoned order within a period of thirty days from the date of receipt of this order. Ordered accordingly.

3. Registry is directed to hand over copies of this order along with copies of the order passed in OA Nos. 764 and 765 of 2005 and others to Learned Counsel for both sides for submission of the same before the competent authority for compliance of the direction made above.

  
(C.R. MOHAPATRA)  
MEMBER (ADMN.)

KnM, ps