

O.A.No.199/10

S.M. Kanungo

Vs.

Union of India & Ors. Respondents.

ORDER DATED 3rd MAY, 2010

Coram:

Hon'ble Mr. C.R. Mohapatra, Member (A)

Heard Mr. N.R. Routray, Ld. Counsel for the applicant and Mr. S.K. Ojha, Ld. Standing Counsel appearing on notice for the Respondents (Railways) and also perused the materials placed on record.

2. This Original Application has been filed by the applicant challenging the illegal reduction of incentive from the pay for the month of February, 2010 with the following prayer:-

“To direct the Respondents to grant incentive at the Grade Pay of Rs.2400/- instead of Rs.1900/- from the month of February, 2010”.

3. The factual matrix of the case of the applicant is that the applicant joined in S.E. Railway w.e.f. 05.04.1988 as Skilled Artisan (Motor Mechanic) in the scale of Rs.950-1500 and regularized on 03.09.91 (Annexure-A/1). After the Screening Committee found him suitable for grant of 1st financial up gradation the applicant was granted 1st financial up gradation w.e.f. 06.05.04 by Respondent No.3 (Annexure-A/2) in the scale of Rs.4000-6000. As per the recommendation of

the 6th Central Pay Commission the Respondents revised the scale of the applicant from Rs.4000-6000/- to Rs.5200-20200/- w.e.f. 01.01.2006 and granted Grade Pay of Rs.2400/- till January 2010. All on a sudden the Respondent No.4 without any reason reduced the incentive of the applicant from the Month of February, 2010 to 1900/-.

4. In this regard, he has made representation to Respondent vide Annexure-A/6. So far he has not received any response from Respondents, Ld. Counsel for the applicant submits that he will be satisfied if a direction is issued to Respondent No.2 to consider his pending representation (Annexure-A/6) and the applicant is informed of the result thereof.

5. Accordingly, without going into the merit of the case and as agreed to by the Ld. Counsel for the parties, this O.A can be disposed of at this stage of admission by directing Respondent No.2 to consider the representation as at Annexure-A/6 and issue a reasoned order within a period of 30 days from the date of receipt of the copy of this order and convey the result of such consideration within 15 days thereafter to the applicant. Till then, no reduction in incentive amount will be made. Ordered accordingly.

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6. With the above observations and directions this O.A. is disposed of at the admission stage itself.

7. Copy of this order along with copy of this O.A. be sent to Respondent No.2 for compliance.

Chankit
ADMN. MEMBER

Kalneswar