O.A.No.366//2010

Atulya Behera .... Applicant

-Versus-

Union of India & Ors. .... Respondents

Order dated: the 20th July, 2010.

C O R A M

THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)

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The grievance of the Applicant in this Original Application filed under section 19 of the A.T. Act, 1985 is in regard to non-payment of the financial up-gradation under ACP scheme. According to the Applicant although his grievance for payment of the financial up-gradation under ACP is covered by the order of this Tribunal dated 22.11.2007 in OA No. 844 of 2005 and order dated 15.1.2010 in OA No. 639 of 2009 as the applicant was not a party to the aforesaid OAs his case has received no consideration by the Respondents despite representation in this connection being filed by him. Heard Learned Counsel for the Applicant and Mr.S.K.Ojha, Learned Standing Counsel for the Respondents/Railways. It was contended by Mr. Ojha, Learned Standing Counsel for the Respondents that as the representation submitted by the applicant is still pending and no decision is taken as yet, the applicant has hardly any cause of action to approach this Tribunal. Hence he prayed for dismissal of this OA.

Law is well settled in a plethora of judicial pronouncements which according to me needs no repetition that once a judicial order passed by any Court/Tribunal on a particular point, instead of making it applicable to the person concerned, as a benign employer, it is the duty of the authority to examine the cases of similarly situated persons instead of expecting each individual to take

shelter of the court of law for getting the same relief. If the case of others is examined in the light of the decision taken on a particular issue, it would not only save the valuable time of the authorities in diverting attention to the cases filed by other employees seeking the same relief but also save exchequer money being spent in contesting the matter and ultimately the result is the same. In view of the above I feel it prudent to send the paper book/OA to the Respondent No.3 who shall examine the grievance of the applicant with reference to the decisions already rendered by this Tribunal and referred to above, and pass a reasoned order within a period of sixty days from the date of receipt of copy of this order. Hence without expressing any opinion on the merit of the matter, this OA is disposed of with direction to the Respondent No.3 to consider the case of the applicant in the light of the observation made above. No costs.

Send copies of this order along with OA to the Respondent No.3 for compliance.

(C.R.Mohapatra)
Member(Admn.)