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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.768 of 2016
Cuttack this the 7th day of November, 2016

CORAM
HON'BLE SHRI A.K.PATNAIK, MEMBER(J)

.....
Sri Bishnu Charan Kishan, aged about 54 years, S/o. Sri Tila Kishan, presently working as Upper Division Clerk (UDC), at Directorate of Census operation, Unit-IX, Janpath, Bhubaneswa, residing at Qtrs. No.51, Type-II, Census Colony, Baramunda, Bhubaneswar.

...Applicant

By the Advocate(s)-M/s. D.K. Mohanty, S. Nayak

-VERSUS-

Union of India represented through:

1. The Secretary, Government of India, Ministry of Home Affairs, North Block, New Delhi-110001.
2. The Registrar General of India, Ministry of Home Affairs, 21-A, Mansingh Road, New Delhi-110011.
3. The Director of Census Operation, Orissa, Janpath, Unit-IX, Bhubaneswar, Khurda.
4. The Deputy Director of Census Operation, Orissa, Janpath, Unit-IX, Bhubaneswar, Dist. Khurda.

...Respondents

By the Advocate(s)- Mr. B. Ray Mohapatra

ORDER(Oral)

A.K.PATNAIK, MEMBER(J):

Heard Mr. D.K. Mohanty, Ld. Counsel appearing for the applicant and Mr. B. Ray Mohapatra, Ld. ACGSC appearing for the Respondents on the question of admission and perused the records.

2. Applicant is presently working as Upper Division Clerk (UDC) under the Respondent- Organization. He has moved this Tribunal under Section-19 of the A.T. Act, 1985 by assailing the inaction of the Respondents in extending the benefit as has been granted to similarly placed persons and in the circumstances, he has prayed for direction to be issued to the Respondents to extend the benefits as has been granted to similarly placed persons in the matter of counting of service with effect from the date

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of his initial appointment for the purpose of seniority, ACP, MACP, etc. and to grant him the consequential service and financial benefits.

3. It reveals from the record that ventilating his grievance, the applicant had submitted a representation dated 15.6.2015 to the Registrar General and Census Commission of India, New Delhi, (Respondent No.2) followed by two reminders dated 07.08.2015 and 5.7.2016 (A/11 Series) and since he has not received any response, he has approached this Tribunal for redressal of his grievance.

4. Since representations as aforesaid are stated to be pending, at this stage, I am not inclined to direct notice to the respondents to file their counter. In view of this, without expressing any opinion on the merit of the matter, I would dispose of this O.A. at the stage of admission itself with direction to Respondent No.2 to consider the representations at A/11 Series to the O.A., if the same have been received and are pending consideration, in accordance with extant rules and instructions on the subject and communicate the decision thereon to the applicant within a period of sixty days from the date of receipt of this order. It is, however, made clear that all the points raised in the representations are kept open to be considered by Res.No.2. It is further directed that if the applicant is found to be entitled to the claims made by him in his representations, the same be extend to him within a further period of two months from the date of communication of the decision.

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

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6. On the prayer made by the learned counsel, copy of this order along with paper book of O.A. be sent to respondent Nos. 2 and 3 by Speed Post at the cost of the applicant for which Mr. D.K. Mohanty undertakes to file the postal requisites by 10.11.2016.
7. Free copy of this order be made over to learned counsel for both the sides.

W.A.L.
(AK.PATNAIK)
MEMBER(J)

K.B.

