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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 260/00193 of 2015
Cuttack, this the 21st day of April, 2015

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

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Gouranga Charan Poi,
aged about 62 years,
S/o. Late Laxmidhar Poi,
Permanent resident of Plot No. 2563,
Kapilaprasad, Near Ekamra College,
PS- Air Field, Bhubaneswar-751002.

...Applicant

(Advocates: M/s. J.M.Pattnaik, C. Panigrahi)

VERSUS

Union of India Represented through

1. The Revenue Secretary to Govt. of India,
Ministry of Finance, Department of Revenue,
Central Board of Excise & Customs,
North Block, New Delhi-110001.
2. Chairperson,
Central Board of Excise & Customs,
Ministry of Finance, Department of Revenue,
North Block, New Delhi- 110001.
3. Commissioner (Coord.),
Central Board of Excise & Customs,
Room No. 245-C, North Block,
New Delhi- 110001.
4. Principal Chief Comptroller of Accounts,
Central Board of Excise & Customs,
AGCR Building, 1st Floor, New Delhi-110002.
5. Under Secretary Ad.II, Govt. of India,
Ministry of Finance, Department of Revenue,
Central Board of Excise & Customs,
5th Floor, Hudco Vishala Building,
Bhikaji Cama Place, North Block, New Delhi.



6. Deputy Secretary, Govt. of India,
Ministry of Finance, Department of Revenue,
Central Board of Excise & Customs,
5th Floor, Hudco Vishal Building,
Bhikaji Cama Place, North Block, New Delhi-110002.

7. Assistant Commissioner,
Central Excise, Customs & Service Tax,
Cuttack Division, Cuttack.

8. Chief Commissioner,
Central Excise, Customs & Service Tax,
Bhubaneswar Zone, Bhubaneswar-751007.

... Respondents

(Advocate: Mr. S.B.Mohanty)

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ORDER (ORAL)

A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. J.M.Pattnaik, Learned Counsel for the Applicant, and Mr. S.B.Mohanty, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. The applicant, in this present O.A. filed under Section 19 of the Administrative Tribunals Act, 1985, prayed for a direction to the "Respondents to immediately make payment of the arrear dues of compensatory allowance with effect from 23/24.10.1989 till actual payment is made with 18% penal interest and thereafter in every month as per Annexure-A/1 and A/2". The case of the applicant is that after putting 12 years of regular service to the post of Lower Division Clerk from 13.01.1977 to 23.10.1989, he was imposed with the punishment of removal from service vide order dated 23.10.1989 in a disciplinary proceedings initiated under Rule 14 of the CCS(CC&A) Rules, 1965. He challenged the same before the appropriate Court of law but remained unsuccessful. However, after considering



his representation/appeal, he was sanctioned Compensatory Allowance @ Rs. 375/- per mensem in terms of Rule 41(1) & (2) of the CCS (Pension) Rules, 1972 read with Govt. of India's Decision vide OM No. 3(2)-R-II/40 dated 22.04.1940 & F.3-X-R.II/34 dated 03.05.1934 with effect from the date of dismissal from service. Mr. Pattnaik, Ld. Counsel for the applicant, submitted that in the meantime the Compensatory Allowance has been replaced/revised by the Govt. of India. He further submitted that the applicant has made a series of representations to the authorities and the last being dated 03.03.2015 as at Annexure-5 to Respondent No.6 but till date no response has been received by the applicant.

3. Taking into account the submission made by Mr. Pattnaik, Ld. Counsel for the applicant, without expressing any opinion on the merit of the case, I dispose of this O.A. at this admission stage by directing Respondent No. 6 to consider and dispose of the representation as at Annexure-5, if the same has been filed and is still pending consideration, in a well reasoned order and communicate the same to the applicant within a period of 30 days from the date of receipt of a copy of this order. It is further made clear that if after such consideration the applicant is found to be entitled to the relief claimed in his representation then expeditious steps be taken within a further period of 60 days from the date of such consideration to extend the said benefit to him. However, if in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within a period of two weeks from the date of receipt of a copy of this order.

4. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.



5. On the prayer made by Mr. Pattnaik, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 6 by Speed Post for which he undertakes to file the postal requisites by 24.04.2015.


(A.K.PATNAIK)
MEMBER(Judl.)

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