

9
**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No. 260/00205 of 2015
Cuttack, this the 5th day of May, 2015

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

.....

1. Lingaraj Sahoo,
aged about 52 years,
S/o late Hajari Sahoo,
At- Mohanty Para, Cuttack-2.
2. Pramod Kumar Singh,
aged about 49 years,
S/o late Prafulla Charan Singh,
At- Sikhar Pur, Cuttack-4.
3. Gyananada Hota,
aged about 50 years,
S/o late Jayananda Hota,
At- Chahata, Bidanasi, Cuttack-14.
4. Bijaya Kumar Patra,
aged about 52 years,
S/o late Natabar Patra,
At- Bharatpur, PO- Chandol, Cuttack.

(All are working as regular Sr. Accountants in the Office of
the Director of Accounts (Postal) Odisha Circle, Mahanadi Vihar, Cuttack-
753004.)

...Applicants

(Advocates: M/s. P.R.J.Dash, M.P.J.Ray, S.K.Das)

VERSUS

Union of India Represented through

1. Secretary,
Ministry of Personnel Public Grievances and Pensions,
Department of Personnel & Training,
North Block, New Delhi.
2. Director General of Posts,
Sansad Marg,
New Delhi-110001.



3. Director of Accounts (Postal),
Odisha Circle, Mahanadi Vihar,
Cuttack- 753004.

4. Shri Gangadhar Purty,
Aged about 59 years,
S/o Late Subana Purty,
Vill- Phulaguntha, PO- Singda,
PS- Raruan, Dist- Mayurbhanj,
Now working as Sr. Accountant,
O/o D.A.P., Mahanadi Vihar,
Cuttack- 753004.

... Respondents

(Advocate: Mr. M.R.Mohanty)

.....
ORDER (ORAL)

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

Heard Mr. P.R.J.Dash, Ld. Counsel for the Applicants, and Mr. M.R.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. M.A.No. 281/15 has been filed by the applicants praying to prosecute this case jointly. M.A. is allowed subject to payment of Rs. 50/- per applicant except applicant No.1. Mr. Dash undertakes to make the payment by 07.05.2015.

3. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

“Direct the Respondents to grant stepping up of pay benefit to the applicants at par with Respondent No.4 in the cadre of Jr. Accountant w.e.f. 12.11.2004, whose pay scale has been upgraded to a higher scale due to ACP Scheme.

Direct the Respondents, to recover the cost of litigation from the officers responsible for submitting false and fabricated information, for which the applicants have been dragged to this Tribunal.

Any other order.....”

4. Facts of the case, as reveals from the record, are that the applicants and Respondent No.4 were appointed as LDC between 20.10.1986 and 16.12.1988 and, accordingly their seniority position were assigned. Applicants and Respondent No.4



were promoted to the cadre of Jr. Accountants after passing the Departmental Examination on 26.07.1990 and 12.07.1995 respectively. On 12.11.2004 Respondent No.4 was granted 2nd financial upgradation under ACP Scheme and his pay was fixed in the pay scale of Rs. 5500-175-9000 whereas the applicants, who are senior to the Respondent No.4, were denied the same and, accordingly, they remained in a lower pay scale of Rs. 4500-125-7000/-. Applicants promoted to the cadre of Sr. Accountants in between 03.12.2004 and 13.05.2005 whereas Respondent No.5 got promotion to the cadre of Sr. Accountant on 03.07.2006. Mr. Dash, Ld. Counsel for the applicant, submitted that aggrieved by clause 8 of the ACP Scheme, All India Postal Accounts Employees' Association filed O.A. No. 2124/11 before the CAT, Principal Bench for stepping up of pay of all Sr. Accountants, who have been denied the benefit of stepping up of pay with their juniors. On 01.02.2013 CAT, Principal Bench, passed the orders of stepping up of pay, which was upheld by the Hon'ble High Court of Delhi. Subsequently, the SLP filed by the Respondents was also dismissed by the Hon'ble Apex Court. The grievance of the applicants is that though pursuant to the implementation of the aforesaid judgment pay of some of the employees has been stepped up and arrears have been paid and after consideration of applicants' representation Respondent No.3 issued Office Order on 28.08.2014 for stepping up of their pay, however, the same has been called back on 01.09.2014. Later on, Respondent No.3 formed a review committee to review their representations and again a special team was formed to re-examine the claim of the applicants. It has been submitted by the applicants that the Review Committee and Special Team rejected their representations on an unreasonable and false information for which they made representations to Respondent No. 2 through Respondent No.3 on 30.01.2015 followed by reminders dated 23/24.02.2015. Mr. Dash, Ld. Counsel for the applicants, submitted that till date the applicants have received no response.



12

5. Taking into account the submission made by Mr. Dash, Ld. Counsel for the applicants, without expressing any opinion on the merit of the case, I dispose of this O.A. at this admission stage by directing Respondent No. 2 to consider and dispose of the representations, if the same have been filed and are still pending consideration, with 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. However, the points raised by the applicants in their representations are kept open for the authorities to consider the same as per the law and rules in force. If after such consideration the applicants are found to be entitled to the claims made in their representations then expeditious steps be taken within a period of 60 days from the date of such consideration to the extend the same to the applicants. However, if in the meantime the said representations have already been disposed of then the result thereof be communicated to the applicants within a period of two weeks from the date of receipt of a copy of this order.

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

7. On the prayer made by Mr. Dash, Learned Counsel appearing for the applicants, copy of this order, along with paper book, be sent to Respondent Nos. 2 and 3 by Speed Post for which he undertakes to file the postal requisites by 08.05.2015. Free copy of this order be also handed over to Mr. M.R.Mohanty, Ld. ACGSC.


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