

3

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK
O.A.No.260/00338 of 2015
Cuttack this the 23rd day of June, 2015

CORAM
HON'BLE SHRI R.C.MISRA, MEMBER(A)

N.Chenchu Naidu
Aged about 29 years
S/o.Bhogesu
At-Magathapadu
PO-Koduru
Mandal-Polaki
Dist-Srikakulam-532 430
State of Andhra Pradesh

...Applicant

By the Advocate(s)-Mr.B.S.Tripathy-I

-VERSUS-

Union of India represented through

1. The General Manager
East Coast Railways,
Bhubaneswar
Dist-Khurda
2. Chief Personnel Officer
East Coast Railways
Khurda Road
At-Bhubaneswar-751 017
Dist-Khurda
3. Chief Administrative Officer(Con.)
Personnel Branch
East Coast Railways
Khurda Road
At-bhuabenswar
Dist-Khurda

*R
Misra*

5. Mr.A.K.Sinha, Sr.DEN(CO)
S.C.Railway, BZA,
Andhra Pradesh

...Respondents

By the Advocate(s)-Mr.T.Rath

ORDER

R.C.MISRA, MEMBER(A):

Heard Mr.B.S.Tripathy-I, learned counsel for the applicant and Mr.T.Rath, learned Standing Counsel representing the Respondent-Railways on the question of admission.

2. It is the case of the applicant that he was posted as Substitute Bungalow Peon vide order dated 18.12.2010 with Shri A.K.Sinha, Deputy Chief Engineer(Construction), East Coast Railways, Khurda Road. Subsequently, vide order dated 16.6.2011, applicant was transferred to the Deputy Chief Engineer(Con.), Bhubaneswar after the transfer of said Shri Sinha to Hyderabad. It is also his submission that he went along with Shri A.K.Sinha and worked at Hyderabad as Substitute Bungalow Peon even though the order dated 16.6.2011 was purportedly issued posting the applicant with the officer whom ⁸ came in place of Shri Sinha. Applicant, because of his illness came back to his village in the District of Srikakulam and submitted a representation to the Chief Administrative Officer(Con.) dated 7.11.2012 with a request to release his salary during the period he



had worked with Shri Sinha. It has been submitted that even after his several representations, Shri A.K.Sinha has not released salary of the applicant during the period he had worked with him. He has made a latest representation dated 17.11.2014 to the Chief Personnel Officer, East Coast Railways, Khurda Road in which he has made allegations against Shri A.K.Sinha for not releasing his salary for that period.

3. On the other hand, Mr.T.Rath, learned Standing Counsel submitted that the applicant had worked with Shri A.K.Sinha in the year 2011 and thereafter, he has not availed of any remedies before the authorities in the Department and after such a long lapse of time, his case should not be entertained, since, the O.A. is barred by limitation. His 2nd submission is that since the place of occurrence is at Hyderabad, the O.A. also suffers from geographical jurisdiction.

4. I have considered the submissions made by the learned counsel for both the sides. This is a matter where the allegation is that the applicant has not received his salary during the period he had discharged his duties. Therefore, the point of limitation is not at all attracted as it is a recurring cause of action requiring salary as due ^{and} ^R admissible to be disbursed in favour of the applicant. It is also seen that the latest representation has been preferred by the applicant to the Chief Personnel Officer, E.Co. Railways,



Khurda Road on 17.11.2014, which in my view, should be disposed of at the earliest after the matter is considered on its merit.

5. Therefore, at this stage, without expressing any opinion on the merit of the matter, I would direct the Chief Personnel Officer, East Coast Railways, Khurda Road (Res.No.2) to consider the representation dated 17.11.2014 and dispose it of after affording an opportunity to the applicant of being heard in this matter, and pass a reasoned and speaking order and communicate the same to the applicant within a period of eight weeks from the date of receipt of this order. It is however, made clear that if the applicant is found entitled to receive any such dues on account of salary for the period which ^{he} claims to have worked, the same be disbursed in his favour within a further period of four weeks from the date of communication of the decision, as aforesaid.

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

On the prayer made by learned counsel for the applicant copy of this order along with paper book of O.A. be sent to Respondent No.2 by Speed Post for which, Mr.Tripathy to file the postal requisites by 25.6.2015. Free copy of this order be made over to learned counsel for both the sides.


(R.C.MISRA)
MEMBER(A)