

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00771 OF 2015

Cuttack, this the 9th day of November, 2015

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

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

.....
Manoranjana Mishra, aged about 45 years, S/o. Late Loknath Mishra, permanent resident of Village/P.O.-Sarangadharapur, P.S/Via-Rajranpur, District-Nayagarh and at present working as Air Craft Assistant (JFA) and (ACA), ARC, Charbatia, P.O. Charbatia-754028, District-Cuttack.

.....Applicant

(Advocate: M/s. R.B. Mohapatra, D.K. Mohanty)

VERSUS

Union of India Represented through

1. Secretary to Government of India, Ministry of Cabinet Secretariat, Aviation Research Centre, New Delhi.
2. Special Secretary, Aviation Research Centre, Head Quarter, New Delhi-110066.
3. Director General of Security (Cabinet Secretariat), East Block-5, R.K. Puram, New Delhi-110066.
4. Assistant Director (Pers-D), Aviation Research Centre Director of General, Security (Cabinet Secretariat), East Block-5, R.K. Puram, New Delhi-110066.
5. Chief Engineer, Aviation Research Centre, Head Quarter, East Block-5, R.K. Puram, New Delhi-110066.

... Respondents

(Advocate: Mr. B.P. Nayak)

ORDER (Oral)

A. K. PATNAIK, MEMBER (J):

Heard Mr. R.B. Mohapatra, Ld. Counsel appearing for the Applicant and Mr. B.P. Nayak, Ld. ACGSC, appearing for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“...To quash the impugned order dated 19.09.2014 in Annexure-A/13 and subsequent order dated 19.11.2014 in Annexure-A/14 and issue an appropriate order directing the Respondents No.1 to 3 to review the cadre of promotional avenue of the Applicant in the cadre of FA (MT) Matric in the pay of Rs.2400/- at par with the cadre of FA (G) and FA (MT), having qualification of Non-Matric and Matric and thereafter the consequential service benefit and as well as the differential arrear pay with 18% per annum w.e.f. 01.01.2006 within a stipulated period.”

3. Mr. Mohapatra, Ld. Counsel submitted that due to non consideration of the case of the applicant for the aforesaid relief, he submitted a representation dated 28.03.2011, followed by reminders dated 25.05.2012 & 03.04.2014 (Annexure-A/11 series) and finally appeal dated

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16.06.2014 (Annexure-A/12) to Respondents-Department. It has further been submitted that till date no response has been received by the applicant on his representations. Hence, the applicant has filed this O.A. with the prayer as aforesaid.

4. Since the representations submitted by the applicant are stated to be pending, at this stage, without entering into the merit of the matter, we would direct Respondent No.2 to consider the representations dated 28.03.2011, 25.05.2012 & 03.04.2014 (Annexure-A/11 series) and followed by appeal dated 16.06.2014 (Annexure-A/12) and dispose of the same with a reasoned and speaking order to be communicated to the applicant within a period of two months from the date of receipt of copy of this order. We hope and trust, in the event of such consideration if the applicant is found to be entitled to the relief claimed by him then expeditious steps be taken to extend the benefit to him preferably within a further period of three months from such consideration. Though we have not expressed any opinion on the merit of the case, we make it clear that all the points raised in the representations will be kept open for the Respondents for consideration as per the extant rules, regulations and law in force.

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

6. Though we dispose of this O.A. at the admission stage we feel it proper to direct the Respondents not to take any further action in pursuance of Annexures-A/13 and A/14 with a further direction that the status quo as of date so far as the applicant is concerned will be maintained till 01.02.2016.

7. On the prayer made by Mr. Mohapatra, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent Nos.1 & 2 by Speed Post for which Mr. Mohapatra undertakes to file the postal requisites by 13.11.2015. Free copy of this order be made over to Mr. B.P. Nayak, Ld. ACGSC appearing for the Respondents subject to filing of power.

(R.C.MISRA)
MEMBER (A)

(A.K.PATNAIK)
MEMBER(J)