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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00798 OF 2015

Cuttack, this the 17th day of November, 2015

CORAM

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

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

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Bansidhar Swain, Aged about 61 years, Son of Late Abhini Swain, Retired Trackman, under Deputy Chief Engineer (Con.I)/ East Coast Railway/ Bhubaneswar, permanent resident of At.- Jaladharpur, P.O.-Gopiakuda, Via/P.S.-Kujanga, Dist.-Jagatsinghpur, Odisha.

.....Applicant

(Advocate: M/s. N.R. Routray, S. Sarkar, U. Bhatt, J. Pradhan, T.K. Choudhury)

VERSUS

Union of India Represented through

1. The General Manager,
East Coast Railway, E.Co.R. Sadan,
Chandrasekharapur, Bhubaneswar,
Dist-Khurda.
2. Senior Personnel Officer/ Con. / Co-ordination,
East Coast Railway, Rail Vihar,
Chandrasekharapur, Bhubaneswar,
Dist-Khurda.

... Respondents

(Advocate: Mr. T. Rath)

ORDER (Oral)

A. K.PATNAIK, MEMBER (J):

Heard Mr. N.R. Routray, Ld. Counsel appearing for the Applicant and Mr. T. Rath, Ld. Standing Counsel appearing for the Respondents-Railways, 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 challenging the inaction on the part of the Respondents in paying the composite transfer grant. Mr. Routray brought to our notice that though the applicant has retired from service on 30.11.2014 still then his composite transfer grant has not yet been paid to him. Hence he has filed the present application seeking the following relief:

“ (a) To direct the Respondent No.2 to pay the composite transfer grant with 12% interest for delayed period of payment.”




3. Mr. Routray, Ld. Counsel for the applicant submitted that due to non-consideration of the case of the applicant for the aforesaid relief as claimed by him, the applicant submitted representation dated 11.03.2015 (Annexure-A/2) to Respondent No.2. It has further been submitted that till date no response has been received by the applicant on his representation. Hence, the applicant has filed this O.A. with the prayer as aforesaid.

4. Since the representation submitted by the applicant is stated to be pending, without entering into the merit of this case, we dispose of this O.A at the stage of admission by directing Respondent No.2 to consider the representation dated 11.03.15 (Annexure-A/2) if the same is still pending, as per the extant Rule and regulation and communicate the result thereof to the applicant by way of a reasoned/speaking order within a period of 03 (three) months from the date of receipt of copy of this order. If, after such consideration it is found that the applicant is entitled to the relief claimed by him then the same may be extended to him within a further period of 03 (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 representation will be kept open for the Respondents to consider the same as per rules, regulations and law in force. However, it is made clear that if the said representation dated 11.03.2015 (Annexure-A/2) has already been disposed of then the result of the same may be communicated to the applicant within a period of 15 days.

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

6. On the prayer made by Mr. Routray, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No.2 by Speed Post for which Mr. Routray undertakes to file the postal requisites by 18.11.2015. Free copy of this order be made over to Mr. T. Rath, Ld. Standing Counsel appearing for the Respondents-Railways.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)