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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK
O. A. No. 260/00833 OF 2015
Cuttack, this the 15th day of December, 2015

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

.....
Abhimanyu Sahani, aged about 57 years, S/o. Sri Upendra Sahani, Resident of Quarter No.Ty-2/2, Central Poultry Dev. Organisation (ER), Nayapalli, Bhubaneswar, Pin-751012, Dist.-Khurda, Odisha, at present working as Jr. Hindi Translator, Central Poultry Dev. Organisation (ER) Nayapalli, Bhubaneswar.Applicant

(Advocate: Mr. B. Parida)

-VERSUS-

Union of India Represented through

1. Secretary to Govt. of India Ministry of Agriculture, Deprtment of A.H., Dairying & Fisheries, Krishi Bhawan, New Delhi-110001.
2. The Dy. Secretary to Govt. of India,(Admn.III), Ministry of Agriculture, Deprtment of A.H., Dairying & Fisheries, Krishi Bhawan, New Delhi-110001.
3. The Director, Central Poultry Dev. Organisation (ER) Nayapalli, Bhubaneswar, Pin-751012.

... Respondents

(Advocate: Mr. S. Behera)

ORDER (Oral)

A. K.PATNAIK, MEMBER (J):

Heard Mr. B. Parida, Ld. Counsel appearing for the Applicant and Mr. S. Behera, Ld. SCGPC 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:

“ a) To quash and/or set aside the impugned office orders in respect of wrong pay fixation under MACP scheme dated 17.12.2008 & 28.09.2010 by violation of the Memorandum of Ministry of Finance dated 24.11.2008 (Annexure-A/1 & A/3) of this original application.

b) Directing the Respondents to fix the appropriate Grade Pay of Rs.4600/- in place of Rs.4200/- in the pay scale of Rs.9300-34800 w.e.f. dt.01.01.2006 in favour of the Applicant.

c) Further directing the respondents to grant Rs.4800/- as 1st MACP w.e.f. dt.01.09.2008 (from the date of MACP scheme became operative) & Rs.5400/- as 2nd MACP in PB-3 in the pay scale of Rs.15600-39100 { the pay scale of Assistant Director (OL)} w.e.f. dt.29.11.2009 (from the date of completion of 20 years of regular service) by ignoring 1st financial up-gradation under ACP.

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d) Direct the respondents to make the differential arrear payment with pendent lite interest along with cost of litigation in favour of the Applicant."

3. Mr. Parida, Ld. Counsel submitted that due to non-consideration of the case of the applicant for the aforesaid relief, he submitted representations dated 20.02.2015 (Annexure-A/6) series before the Respondent No.2 followed by 1st reminder dated 05.06.2015 and subsequent reminder dated 13.07.2015. 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 20.02.2015 (Annexure-A/6) series and dispose of the same with a reasoned and speaking order to be communicated to the applicant within a period of three 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 said benefit to him preferably within a further period of six 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. On the prayer made by Mr. B. Parida, 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. Behera undertakes to file the postal requisites by 18.12.2015.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)