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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No.260/00106 of 2015
Cuttack, this the 10th day of March, 2015

CORAM

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

Bala Bhoi,
aged about 50 years,
Son of late Jagannath Bhoi,
At-Phapsi, PO-Gandapatrapali,
P.S. Saintala, Dist-Bolangir.

..... Applicant

(Advocates: M/s. M.K. Pati, B.P. Satpathy)

VERSUS

Union of India Represented through

1. The Secretary,
Ministry of Defence,
Govt. of India,
New Delhi.
2. The General Manager,
Indian Ordnance Factories,
Ministries of Defence,
Govt. of India,
Ordnance Factory Badmal,
At/P.O.-Badmal,
Dist.-Bolangir,
Pin-767770
3. The Addl. General Manager, (LB Section)
Ordnance Factory Badmal,
At/P.O.-Badmal,
Dist.-Bolangir,
Pin-767770

..... Respondents

(Advocate: Mr. S. Behera)

ORDER(Oral)

A.K. PATNAIK, MEMBER (J):


Heard Mr. M.K. Pati, Learned Counsel appearing for the Applicant
and Mr. S. Behera, Ld. Sr. Panel Counsel appearing for the Respondent, on whom
a copy of this O.A. has already been served, and perused the materials placed on
record.

Behera

2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 in which the applicant has prayed for the following reliefs:

- “(i) Why the respondents shall not consider the application dated 29.09.2014 under Annexure-A/7 supported by an affidavit and consider the date of birth of the applicant as 15.03.1965 thereby enhancing his service period accordingly;
- (ii) Why the respondents shall not calculate the service period of the applicant w.e.f. the year 1988 as the similarly situated displaced candidates have got appointment in the said year whereas the applicant was given appointment in the year, 1997.
- (iii) Let the order passed under Annexure-A/5 and A/6 may be quashed;
- (iv) Let the respondents be directed to make good loss/compensated the applicant adequately for inequality under Article 14 of Constitution of India being recognized in law;”


3. Mr. Pati, submitted that the applicant a land displaced person and belongs to Scheduled Tribe. He is now working as DBW since 06.03.1997 in the Ordnance Factory, Badmal. On 18.06.2014, the LB Section of Ordnance Factory, Badmal sought for documents from the applicant to be submitted by him within fifteen days, from receipt of the letter so as to settle the pension claim of the applicant timely as he is going to retire on 31.03.2015. Mr. Pati further submitted that though the date of birth of the applicant is 15.03.1965 as per his personal record, yet the Respondents have wrongly mentioned his date of birth in the service record as 15.03.1955 for which the applicant may be deprived of his legitimate full pensionary benefits as he may not attain 20 years of his service. Accordingly, the applicant has made a representation along with an affidavit on 26.09.2014 (Annexure-A/7) to the General Manager, Ordnance Factory Badmal (Respondent No.2). But till date no reply has been received by the applicant. Hence, he has approached this Tribunal in the present O.A. with the aforesaid reliefs.



4. Mr. Behera, Ld. Sr. Panel Counsel for the Respondents, submitted that he has no immediate instruction if any such representation has been preferred by the applicant, and, if so, the status thereof.

5. In view of the aforesaid facts and circumstances, as it is the positive case of the applicant that his representation along with an affidavit dated 26.09.2014 (Annexure-A/7) is still pending with the Respondent No.2, at this stage, without entering into the merit of this case, we dispose of this O.A. by directing Respondent No.2 to consider and dispose of the said representation as per Rule, if the same is still pending with him, and communicate the result thereof to the applicant by way of a reasoned and speaking order within a period of 60 days from the date of receipt of a copy of this order. However, if in the meantime, the said representation has already been disposed of, then the result thereof be communicated to the applicant within a period of 15 days from the date of receipt of copy of this order.

6. On the prayer made by Mr. M.K. Pati, Ld. Counsel for the applicant, copy of this order, along with paper book, be sent to Respondent No.2 by Speed Post at the cost of the applicant for which he undertakes to file the postal requisites by 13.03.2015.


(R.C.MISRA)
MEMBER(A)


(A.K.PATNAIK)
MEMBER(J)

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