

3

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK**

Original Application No. 260/00094 of 2016  
Cuttack, this the 19<sup>th</sup> day of February, 2016

**CORAM  
HON'BLE SHRI A.K. PATNAIK, MEMBER (JUDL.)**

.....

Ghasiram Naik,  
aged about 59 years,  
S/o Late Lampa Naik,  
At/PO/Dist- Berhampur  
At present working as Sorting Assistant, Jeypore (k)  
O/o – RMS, BG division, Jeypore (k), Koraput,  
Residing at Postal Colony, Qr. No. 11, Jeypore, Koraput.

...Applicant

(Advocates: M/s. D.K.Mohanty, S. Nayak )

**VERSUS**

Union of India Represented through

1. Secretary-cum-Director General of Posts,  
Ministry of Communications,  
Department of Posts, Dak Bhawan,  
Sansad Marg, New Delhi-110001.
2. Chief Postmaster General,  
Odisha Circle, Bhubaneswar,  
Dist- Khurda.
3. Post Master General,  
Berhampur Region, Berhampur,  
Ganjam-760001.
4. The Superintendent,  
RMS, BG Division, Jeypore(k),  
Koraput.
5. Asst. Chief Accounts Officer/  
Internal Audit,  
O/o Director of Accounts (Postal),  
Mahanadi Vihar, Cuttack-753004.

... Respondents

(Advocate: Mr. A.Pradhan )

.....

Wll

## ORDER (ORAL)

### A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. D.K.Mohanty, Ld. Counsel for the Applicant, and Mr. A.Pradhan, Ld. Addl. Central Govt. Standing Counsel 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 praying for the following relief:

"i) To declare that the benefit under the MACP Scheme granted to the applicant vide Annexure-A/4 dt. 21.04.2010 w.e.f. 29.03.2010 is not the 3<sup>rd</sup> MACP, but the 2<sup>nd</sup> MACP with grade Pay Rs. 4200/- granted is just and proper;  
ii) To hold that any follow up action pursuant to audit report with regard to excess amount is bad in law and not enforceable.  
iii) To pass any other order....."

3. Mr. Mohanty, Ld. Counsel for the applicant, submitted that though the applicant ventilating his grievance made a representation to Respondent No.3 on 07.01.2016, the same is still pending consideration and till date he has not received any response from the said Respondent No.3 for which he has filed this O.A.

4. In view of the aforesaid fact that the representation of the applicant dated 07.01.2016 is stated to be pending, without going into the merit of the matter, I dispose of this O.A. with direction to the Respondent No.3 to dispose of the said representation, if the same is still pending, and pass a reasoned and speaking order within a period of two months. Though, I have not gone into the merit of the matter, all the points raised by the applicant in his representation are kept open for the Respondent No.3 to consider the same as per rules and



regulations. I make it clear that if after such consideration the applicant is found to be entitled to the relief claimed by him then expeditious steps be taken within a further period of three months to grant the said benefit to him. It is also made clear that till 01.05.2016, no recovery shall be effected from the salary of applicant.

5. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.
6. On the prayer made by Mr. Mohanty, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent Nos. 3 and 5 by Speed Post for which he undertakes to file the postal requisites by 22.02.2016.

  
(A.K.PATNAIK)  
MEMBER(Judl.)

RK