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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00156 OF 2016
Cuttack, this the 29th day of March, 2016

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

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1. Nalco Officers'Association, Smelter & Power Complex, Nalco Nagar, Angul, bearing Registration No.DKL-1449/28/87, represented through Sri Prasanna Kumar Mallick, General Secretary, aged about 51 years, son of late Mathuri Malick, presently working as AGM(Mech.), Qrtr. No.D/26, Nalco Nagar, Angul-754023.
2. Sri Arun Kumar Sahu, aged about 50 years, son of late Iswar Chandra Sahu, presently working as AGM(Metallurgy), presently residing at Room No.101, Mahanadi Niwas, Nalco, Bhubaneswar.
3. Sri Kedareswar Mohanty, aged about 55 years, son of late Krushna Chandra Mohanty, presently working as Manager (E&I), Captive Power Plant, Banarpal, Angul & residing at Qrtr. No.C/139, Nalco Nagar, Angul-754023.

Applicants

By the Advocate(s)-M/s. S.K. Ojha, S.K. Nayak, P.B. Mohapatra

-Versus-

Union of India represented through:

1. The Secretary, Ministry of Heavy Industries & Public Enterprises, Department of Public Enterprises, Public Enterprises Bhawan, Block No.14, CGO Complex, Lodhi Road, New Delhi.
2. The Director, Department of Public Enterprises, Public Enterprises Bhawan, Block No.14, CGO Complex, Lodhi Road, New Delhi.
3. Chairman-cum-Managing Director, National Aluminium Company Limited, Nalco Bhawan, Chandrasekharpur, Bhubaneswar.
4. Remuneration Committee, Ministry of Heavy Industries & Public Enterprises, Department of Public Enterprises, Public Enterprises Bhawan, Block No.14, CGO Complex, Lodhi Road, New Delhi, represented through the Chairman-cum-Secretary.

Respondents.

By the Advocate(s)-M/s. M.K. Mishra, D.K. Patnaik, S.K. Singh.

OR D E R (ORAL)

A.K.PATNAIK, MEMBER (J):

Heard Mr. S.K. Ojha, Ld. Counsel appearing for the applicant, Mr. M.K. Mishra, Ld. Sr. Counsel assisted by Mr. D. K. Patnaik, Ld. Counsel appearing for the NALCO and Mr. S.K. Singh, Ld. ACGSC appearing for Respondent Nos.1, 2 & 4 on whom copy of this O.A. have already been served and perused the materials placed on record.

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2. M.A. No.201/2016 for joint petition is allowed. Accordingly, M.A. is disposed of.

2. This O.A. has been filed by the applicants under Section 19 of the Administrative Tribunals Act, 1985 with the following prayer:-

- "(i) To quash the clarifications issued vide letter dated 18.09.2013 (Annexure.A/2), 02.09.2014 (Annexure.A/4) by the Respondent No.2 & vide Circular dated 30.04.2015 (Annexure.A/5) by the Respondent No.3 holding that the same are against the law and lack of legal sanctity;
- (ii) To direct the respondents to extend the PRP to all the executives as per the recommendations of the 2nd Pay Revision Committee under Annexure-A/1;
- (iii) To direct the Respondent No.3 to refund the recovered amount with interest;
- (iv) To extend all consequential benefits as due and admissible."

3. Mr. Ojha, Ld. Counsel for the applicant submitted that due to non-consideration of the case of the applicants for the aforesaid relief as claimed by them, the applicants submitted representations dated 28.01.2016 followed by another two representations dated 29.01.2016 and 22.02.2016 (Annexure-A/6 series) to Respondent No.3. It has further been submitted that till date no response has been received by the applicants on their representations. Hence, the applicants have filed this O.A. with the prayer as aforesaid.

4. Since the representations submitted by the applicants are 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.3 to consider the representations dated 28.01.2016 followed by another two representations dated 29.01.2016 and 22.02.2016 (Annexure-A/6 series) if the same are still pending, as per the extant Rule and regulation and communicate the result thereof to the applicants by way of a reasoned/speaking order within a period of 02 (two) months from the date of receipt of copy of this order. If, after such consideration it is found that the applicants are entitled to the relief claimed by them then the same may be extended to them within a further

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period of 03 (three) months from such consideration. Though we have not expressed any opinion on the merit of the matter, we make it clear that all the points raised in the representations 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 in the meantime the said representations have already been disposed of then the result of the same be communicated to the applicants within a period of two weeks from the date of receipt of copy of this order.

5. As an interim measure it is directed that no recovery shall be made in pursuance to Annexure-A/5 till communication of the decision as directed above.

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

7. On the prayer made by Mr. S.K. Ojha, Ld. Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No.3 by Speed Post for which Mr. Ojha undertakes to file the postal requisites by 30.03.2016.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)

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