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~~BEFORE~~ THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

O. A. NO. 260/0024/OF 2016  
Order dt. 03.05.2016

IN THE MATTER OF:

An application Under Section - 19 of the  
Administrative Tribunal Act, 1985;

AND

IN THE MATTER OF:

Debendranath Mohanty, aged about 67 years,  
Son of Late Nrusingha Charan Mohanty, At:  
Pitambarpur, PO: Rahadinga, PS: Tirtol, Dist.  
Jagatsinghpuru, retired Senior Clerk, Office of  
Senior Personnel Officer/Construction, East  
Coast Railways, Bhubaneswar.

..... APPLICANT.

- VERSUS -

1. Union of India, Represented through the  
General Manager, East Coast Railways, Rail  
Bhawan, Chandrasekharpur, Bhubaneswar,  
Dist. Khurda.
2. Chief Personnel Officer, East Coast Railways,  
Rail Bhawan, Chandrasekharpur, Bhubaneswar,  
Dist. Khurda.

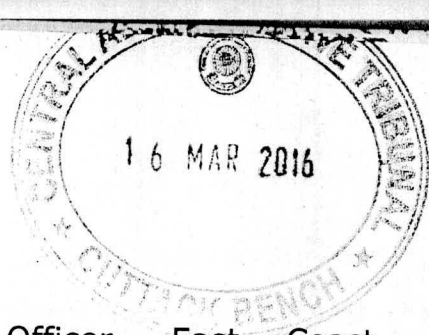
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*[Signature]*

Debendra Nath Mohanty

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3. Chief Administrative Officer, East Coast Railways, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist. Khurda.
4. Senior Personnel Officer/Construction, East Coast Railways, Rail Bhawan, Chandrasekharpur, Bhubaneswar, Dist. Khurda.

..... RESPONDENTS.

Debendra Nath Mohan

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**ORDER (ORAL)**

**Dated 03.05.2016**

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

Heard Mr. B.P.Satpathy, Ld. Counsel for the Applicant, and Mr. T.Rath, Ld. Standing Counsel appearing for the Respondent-Railways, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. Mr. Rath submitted that in the address of the Respondent No.4 instead of Rail Vihar, it has been mentioned as Rail Bhawan. Mr. Satpathy is allowed to correct the same both in the court copies as well as copy served on Mr. Rath.

3. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:

- (i) "Let the actions of the respondents in withholding the retirement benefits of the applicant be declared as illegal.
- (ii) Let the respondents be directed to pay interest at the prevailing Bank interest rate on the amount as due to the applicant towards his retirement benefits for the period from 01.03.2009 to till the date of payment and release the same within a stipulated time;
- (iii) Let the respondents be further directed to sanction and release the productive linked bonus as due and admissible for 2008-09 within a stipulated time;
- (iv) Let the respondents be further directed to sanction the benefit of MACP in favour of the applicant w.e.f. 01.09.2008 and release the financial benefits as due and admissible on such sanction within a stipulated time;
- (v) Let any other appropriate order/orders, direction/directions may kindly be passed which would be deemed fit and proper in the facts and circumstances of the case."

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4. The case of the applicant is that having <sup>been</sup> found eligible, he appeared in written examination for selection to the post of Junior Clerk and having been successful he was empanelled for promotion/regularization as Jr. Clerk vide letter dated 22/23-1-1998. He was regularized as a Junior Clerk w.e.f. 01.02.1992 and was promoted as Sr. Clerk on adhoc basis w.e.f. 01.02.1994. The grievance of the applicant is that his promotion to Jr. Clerk as well as Sr. Clerk was revised vide order dated 24.07.2002 and the arrear promotional benefits were directed to be recovered. Challenging the said order dated 24.07.2002, the applicant filed O.A. No. 691/2002, which was allowed by this Tribunal vide order dated 08.02.2008. The Respondents filed W.P.(C) No. 12691/2008 challenging the order of the Tribunal and on the ground of pendency of the writ petition withheld the retirement benefits of the applicant, who retired on 28.02.2009 on attaining the age of superannuation, and the same was released w.e.f. 14.08.2014 after disposal of the writ petition on 09.01.2014. Mr. Satpathy, Ld. Counsel for the applicant, submitted that although the applicant ventilating his grievance made representation on 02.11.2015 vide Annexure-A/6 to Respondent No.4, the same is still pending consideration and till date he has not received any response from the said authority for which he has filed this O.A. with the aforesaid prayers.

5. In view of the facts stated above that the representation of the applicant dated 02.11.2015 is stated to be pending, without going into the merit of the matter, we dispose of this O.A. with direction to the Respondent No.4 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, we have not gone into the merit of the matter, all the points raised by the applicant in his


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representation are kept open for the Respondent No.4 to consider the same as per rules and regulations. 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 same to him. If in the meantime the said representation has already been considered and disposed of then the result thereof be communicated to the applicant within a period of two weeks.

6. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

7. On the prayer made by Mr. Satpathy, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 4 by Speed Post for which he undertakes to file the postal requisites by 05.05.2016.

  
(R.C.MISRA)  
MEMBER (A)

  
(A.K.PATNAIK)  
MEMBER (J)

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