

3

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. No. 260/00265 OF 2016
Cuttack, this the 9th day of May, 2016

**CORAM
HON'BLE MR. R.C. MISRA, MEMBER(A)**

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Govinda Chandra Nayak, aged about 60 years, S/O Late Hadu Nayak, Driver Gr.I (Retd.), Village- Mahasayipenth, P.O. Mantridi, Via- Golanthra, Dist- Ganjam(Orissa), at present residing at Qr. No. G.L-84 V.S.S. Nagar, Bhubaneswar-751007, Dist.Khurda.

.....Applicant

By the Advocate(s)-M/s. S.K.Swain,D.R.Rath,S.K.Rout,S.C.Bairiganjan

-Versus-

Union of India, represented through

1. Secretary to Govt. of India, Ministry of Finance & Company Affairs, Department of Revenue, North Block, New Delhi.
2. Commissioner-I, Central Excise, Customs and Service Taxes, Bhubaneswar, Rajaswa Vihar, Vani Vihar, Bhubaneswar-751007, Dist- Khurda.
3. Pay and Accounts Officer, Customs & Central Excise, Rajaswa Vihar, Bhubaneswar-751007, Dist-Khurda.

.....Respondents

By the Advocate(s)- Mr.S.Behera

ORDER (ORAL)

R.C.MISRA, MEMBER (A):

Heard Mr.S.K.Swain, learned counsel for the applicant and Mr.S.Behera, learned SCGPC on the question of admission and perused the records.

2. Applicant in this O.A. is a retired Staff Car Driver, Gr.I, who was working in the office of the Commissioner, Central Excise & Customs, Bhubaneswar (res.no.2). The reason why he has approached this Tribunal is that



in pursuance of Government of India order dated 15.2.2001, he having rendered three years continuous service as Gr.I Driver, should have been promoted as Special Grade Driver with effect from 01.04.2008, which according to him, has not been so granted during his service career or even after his retirement.

3. I have considered the submissions made by the learned counsel for both the sides. It is found that applicant before approaching this Tribunal has not availed of the departmental remedies available to him under the relevant service rules. Therefore, *prima facie*, the O.A. is hit by Section 20 of the A.T.Act, 1985. On being pointed out, learned counsel craved leave of this Tribunal and submitted that applicant would submit a detailed representation to the competent authorities ventilating his grievances and therefore, a direction may be issued to consider and dispose of the representation to be filed by the applicant. Since the applicant is a retired employee, without rejecting the O.A. at the threshold, I would direct him to submit a representation to respondent no.2 within a period of two weeks from to-day and in case, any such representation is received, res.no.2 shall consider and dispose of the same in accordance with rules and instructions and communicate his decision to the applicant within a period of sixty days from the date of receipt of such representation. However, it is made clear that, if the applicant is found to be entitled to the claims, respondent no.2 shall grant him the admissible benefits within a further period of sixty days from the date communication of the decision.

[Signature]

5. With the above observation and direction, this O.A. is disposed of at the

✓ stage of admission itself. No costs.

6. On the prayer made by the learned counsel, copy of this order along with paper book be sent to res.nos. 2 by Speed Post at the cost of the applicant for which Mr.S.K.Swain undertakes to file the postal requisites by 11.5.2016. Applicant is at liberty to enclose copy of this order to his representation to be submitted by him to res.no.2

Free copy of this order be made over to learned counsel for both the sides.


(R.C.MISRA)
MEMBER(A)

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