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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00277 OF 2016
Cuttack, this the 4th day of May, 2016

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

Dr. Sukanta Chandra Das, S/o-Late Ajoya Kumar Das, Vill-Dhamilo, PO-Kothapatna, Via-Phulnakhara, Dist-Khurda, At present working as Chief Medical Officer(SAG), Central Hospital Joda, AT/PO-Boneikela, Dist-Keonjhar, Odisha, PIN-758038.

.....Applicant

By the Advocate(s)- Dr. Sukanta Chandra Das (Applicant in person)

-Versus-

Union of India, represented through

1. Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, Through its Secretary, North Block, New Delhi-110003.
2. Ministry of Health & Family Welfare, CHS Division, Through its Secretary, Nirman Bhawan, New Delhi-110011.
3. Ministry of Labour & Employment, through its Secretary, Shrama Shakti Bhawan, New Delhi-110001.
4. Welfare & Cess Commissioner, Govt. of India, Ministry of Labour & Employment, Plot No.7/6 &7, IRC Village, Kendriya Shram Kalyan Sadan, (Behind ISKON Temple), Bhubaneswar, PIN-751015.

.....Respondents

By the Advocate(s)- Mr. G.R. Verma

O R D E R (ORAL)

A.K.PATNAIK, MEMBER (J):

Heard Dr. Sukanta Chandra Das applicant appearing in person and Mr. G.R. Verma, Ld. ACGSC 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 with the following prayer:-

- I. To stay order of recovery of excess payment of Transport Allowance from the month of April, 2016 as ordered by the Welfare Commissioner in letter No. 18/01/2016-A1 dated 08.04.2016(Annexure-A/1)
- II. To restore the limited payment of Transport allowance from Rs.1600/- +DA thereon to Rs.7000/- +DA thereon with effect from August, 2013."

[Signature]

3. Dr. Das the sole applicant submitted that due to non-consideration of his case for the aforesaid relief as claimed by him, he submitted representation dated 24.02.2016 (Annexure-A/5) to Respondent No.1. It has further been submitted that till date no response has been received by him on his representation. Hence, he has filed this O.A. with the prayer as aforesaid.

4. Since the representation submitted by the applicant is 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.1 to consider the representation dated 24.02.2016 (Annexure-A/5), if the same is still pending, as per the extant Rule and communicate the result thereof to the applicant 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 applicant is entitled to the relief claimed by him then the same may be extended to him within a further 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 representation 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 representation has already been disposed of then the result of the same be communicated to the applicant within a period of two weeks from the date of receipt of copy of this order.

5. However, we make it clear no recovery of excess payment made to the applicant towards Transport Allowance under Annexure-A/1 shall be effected till 01.09.2016.

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 the applicant, copy of this order, along with paper book, be sent to Respondent No.1 by Speed Post for which Dr. Das undertakes to file the postal requisites by 06.05.2016.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)