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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00285 OF 2016

Cuttack, this the 17th day of May, 2016

CORAM

HON'BLE MR. A.K. PATNAIK, MEMBER (J)

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

.....

Binakar Rout, aged about 66 years, Son of Late Natabar Rout, At/PO/PS: Jakhapura, Dist. Jajpur, retired Sr. Clerk, Office of FA & CAO, East Coast Railways, Bhubaneswar.

.....Applicant

By the Advocate(s)-M/s. B.P. Satpathy, B.K. Nayak, S. Sahoo, S. Roy, D. Debadarshini

-Versus-

Union of India, represented through

1. General Manager, East Coast Railways, Rail Bhawan, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
2. Chief Personnel Officer, East Coast Railways, Rail Bhawan, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
3. Chief Administrative Officer, East Coast Railways, Rail Vihar Chandrasekharpur, Bhubaneswar, Dist-Khurda.
4. Senior Personal Officer/Construction, East Coast Railways, Rail Vihar Chandrasekharpur, Bhubaneswar, Dist-Khurda.
5. FA & CAO, East Coast Railways, Rail Vihar Chandrasekharpur, Bhubaneswar, Dist-Khurda.

.....Respondents

By the Advocate(s)- T. Rath

ORDER(Oral)

A.K.PATNAIK, MEMBER (J):

Heard Mr. B.P. Satpathy, Ld. Counsel appearing for the applicant and Mr. T. Rath, Ld. Standing Counsel appearing for the Respondents-Railways 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) 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 01.02.2009 to till the date of payment and release the same within a stipulated time;

(iii) 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.”

Alle


3. Mr. Satpathy, Ld. Counsel for the applicant submitted that due to non- consideration of the case of the applicant for the aforesaid relief as claimed by him, the applicant submitted representation dated 02.11.2015 (Annexure-A/6) to Respondent No.5. It has further been submitted that till date no response has been received by the applicant on his representation. Hence, the applicant 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.5 to consider the representation dated 02.11.2015 (Annexure-A/6), 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. With the aforesaid observation and direction, the O.A. is disposed of at the stage of admission itself. No costs.

6. On the prayer made by Mr. B.P. Satpathy, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No.5 by Speed Post for which Mr. Satpathy undertakes to file the postal requisites by 20.05.2016.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)