

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00295 OF 2016
Cuttack, this the 11th day of July, 2016

CORAM

HON'BLE MR. R.C. MISRA, MEMBER (A)
HON'BLE MR. S.K. PATTNAIK, MEMBER (J)

.....
Dr. Jugala Kishore Satapathy, aged about 72 years, Son of Late Trilochan Satapathy, Jagannathpur Sasan, P.S. Jagannathprasad, Dist- Ganjam, Now At- A/7, Phase-II, Krishna Garden Complex, Barabari Bhubaneswar, Dist- Khurda.

...Applicant

By the Advocate-M/s. G. Sinha, A. Mishra)

-VERSUS-

Union of India Represented through

1. Secretary, Ministry of Personnel Department of Personnel and Training, PG & Pension, New Delhi.
2. Union Public Service Commission through its Secretary, Dholpur House, New Delhi.
3. State of Odisha through its Special Secretary to Government, G.A. Department, Bhubaneswar.
4. Biswambara Mishra, IAS(Retd.), 131/Mahavirnagar, Road No. 3, Jharpada, Bhubaneswar.
5. Ratindranath Padhi, IAS(Retd.) Pratapnagar, behind Maruti Show Room, Dist- Cuttack..

...Respondents

By the Advocate- Mr. J. Pal & S.Behera

ORDER (Oral)

R.C.MISRA, MEMBER(A)

Heard Mr.G.Sinha, learned counsel for the applicant and Mr.S.Behera, learned SCGPC representing the Union of India.

2. In the present case, applicant is a retired officer of the Indian Administrative Service. He had approached this Tribunal in O.A.No.362 of 2008. The Tribunal disposed of the same vide order dated 22.3.2011 with

direction to res.no1,i.e., Union of India for issuing orders of appointment to IAS cadre of Orissa in accordance with the approval of the Union Public Service Commission. Res.no.1, i.e., Union of India vide order dated 12.9.2011 complied with the directions of the Tribunal and issued order of appointment in favour of the applicant to IAS cadre of Orissa with effect from 13.4.1999 when his immediate junior in the State Civil Service, Shri Biswambar Mishra, who was included in the original select list of 1996-97 prepared on 20.3.1997 was appointed to IAS with consequential benefits in terms of re-fixation of actual pay, pension, gratuity, seniority etc. as per eligibility of the applicant along with retirement benefits admissible to him. Thereafter, applicant made a representation to the Additional Secretary to Government of Orissa, G.A. Department on 7.12.2012, in which he made a prayer that his pay may be re-fixed at par with S/Shri R.N.Padhi/B.C.Jena along with pensionary benefits due to him. This representation was disposed of by the G.A.Department, Government of Orissa vide letter dated 9.4.2014 and applicant was informed that his representation was considered, but rejected. After the order of rejection was conveyed, applicant made another representation 12.8.2015 to the Principal Secretary to Government, G.A. Department, Orissa. Applicant made a further prayer in the representation to the effect that his junior Shri B.C.Jena, IAS retired had superannuated in the rank of super-time scale of service on 1.12.2004 after the retirement of the applicant. The prayer was made to equate the applicant's scale of pay with the pay of Shri Jena as on 31.3.2004.

Q.S

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3. The present O.A. has been filed by the applicant with a prayer that the letter dated 9.4.2014 in which his representation was rejected may be quashed and for directing the respondents to grant him the Selection Grade pay from the date when applicant had completed 13 years of service and also payment of all arrears as a result thereof. Learned counsel for the applicant however has prayed that since he has made an appeal to res.no.3 in this case, a direction may be issued by the Tribunal to consider his appeal/representation dated 12.8.2015, which is pending at his level.

4. In consideration of this, at this stage, without entering into the merit of the matter, we would direct respondent no.3 to consider and dispose of the representation/appeal dated 12.8.2015 if it is pending at his level in accordance with the rules and instructions in force and communicate the decision thereon to the applicant within a period of three months from the date of receipt of this order.

5. With the above observations 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 the paper book of O.A. be sent to res.no.3 by Speed Post at the cost of the applicant, for which Mr.G.Sinha undertakes to file the postal requisites by 13.7.2016.

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

S.K.Pattnaik 11/7/16
(S.K.PATTNAIK)
MEMBER(J)

R.C.Misra
(R.C.MISRA)
MMBER(A)