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CUTTACK BENCH: CUTTACK

O.A.No. 260/00 332/16 of 2016

In the matter of

An application under section 19 of the Administrative Tribunal Act, 1985

And

In the Matter of

Sri Amiya Sankar Behera, aged about 37 years son of Sri Bholanath Behera, at present working as Junior ^{Telecom} ~~Accounts~~ Officer, Office of the S.D.O Phones-VII, 8/B Jaydurga Nagar, Bhubaneswar-751006, and residing in Plot No. 58, 1st floor, Jayadurga Nagar, Bhubaneswar-751006

..... Applicant

Amiya Sankar Behera

Vs.

1. The Chairman cum Managing Director, Bharat Sanchar Nigam Ltd. Bharat Sanchar Bhawan, Harish Chandra Mathur Lane, JanPath, NewDelhi-110001
2. The Chief General Manager, Bharat Sanchar Nigam Ltd. Odisha Circle, B S N L Bhavan, Bhubaneswar-751002. Respondents

as [signature] file [signature]

ORDER (ORAL)

Dated 23.05.2016

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

Heard Mr. A.K.Mohanty, Ld. Counsel appearing for the applicant. None appears for the Respondents.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 alleging inaction on the part of the Respondents in not granting him the financial upgradation to the next higher IDA scale of pay w.e.f. 16.06.2007 and 16.06.2012 as well as not promoting him to the post of Sub Divisional Engineer (T) w.e.f. 02.07.2013, i.e. the dates from which his juniors have been given such financial upgradation and promotion as the applicant has been acquitted honourably from the criminal case initiated against him in the Court of the Spl. Judge (CBI), Bhubaneswar on 24.12.2014 (Annexure-A/10). It has been submitted that in response to his application under RTI Act, the General Manager/CPIO has furnished the information that his representation dated 24.06.2015 is under process for disposal and the vigilance section of circle office has furnished vigilance clearance report.

3. Since the representation dated 24.06.2015 (Annexure-A/11) submitted by the applicant is stated to be pending with Respondent No.2, without entering into the merit of this case, we dispose of this O.A at the stage of admission itself by directing Respondent No.2 to consider the representation under Annexures-A/11, if the same is still pending, keeping in mind Annexure-A/12, as per the extant Rules 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 a copy of this order. If, after such

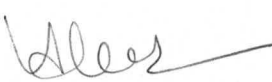
Behera

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. A.K.Mohanty, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to both the Respondents by Speed Post for which he undertakes to file the postal requisites by 25.05.2016.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)

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