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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

**O. A. No. 260/00539 OF 2016**  
Cuttack, this the 8<sup>th</sup> day of August, 2016

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

Kandha Swain, aged about 51 years S/O.- Late Dhulia@ Dhulamani Swain, at present working as Choukidar-III, under SSE(P. Way)/E.Co.R/Dhanmandal, Permanent resident of village- Ramchandrapur, P.O.- Saragada Mukundpur, P.S. Dharmasala, Dist- Jajpur..

...Applicant

By the Advocate-M/s. N.R. Routray, S. Sarkar, U.K. Bhatt, Smt. J. Pradhan,  
T.K. Choudhury, S.K. Mohanty.

**-VERSUS-**

**Union of India Represented through**

1. General Manager, East Coast Railway, E.Co.R. Sadan, Chandrsekharpur, Bhubaneswar, Dist-khurda.
2. Sr. Divisional Personnel Officer, East Coast Railways, Khurda Road Division, At/Po.- Jatni, Dist-khurda.
3. Sr. Divisional Operating Manager, East Coast Railway, Khurda Road Division, At/PO. Jatni, Dist-Khurda.

...Respondents

By the Advocate- Mr. T. Rath

**ORDER (Oral)**

**A. K.PATNAIK, MEMBER (J):**

In this OA under Section 19 of the AT Act, 1985, applicant has prayed for direction to be issued to Respondents-Railways to place him in PB-1 with G.P. Rs.1800 w.e.f. October, 2015 and to pay him the consequential benefits.

2. It is the case of the applicant that he has been appointed to the Post of Chowkidar vide order dated 12.10.2015 under Compassionate Appointment quota and accordingly he has been discharging his duties under SSE/PW/DNM. His grievance is that his pay has been fixed in IS PB without G.P. which is

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unjust and improper. In this regard, ventilating his grievances applicant submitted a representation dated 14.03.2016 to the Sr. DPO respondents No. 2 vide Annexure A/6 with a request for fixation of his Pay in PB-I with G.P. Rs.1800/- w.e.f. the date he joined the Post of Chowkidar and to grant him the consequential financial benefits accrued thereon. This representation is followed by a reminder which is dated 16.05.2016.

3. During the course of hearing Ld. Counsel for the applicant has placed reliance on RBE No.160/2008 in which G.P. Rs.1800/- in PB-I (Rs.5200-20,200) is admissible in case of Group 'D' employees in the Railways).

4. We have heard Shri N.R. Routray, Ld. Counsel appearing for the applicant and Shri T. Rath, Ld. Standing Counsel appearing for the Respondents-Railways on the question of admission and perused the materials placed on record.

5. Since a representation followed by a reminder is yet to be considered and disposed of by the authorities, we do not feel <sup>it</sup> inclined to admit this OA and invite a counter. In view of this, without entering into the merit of the matter, we would direct <sup>the</sup> ~~to~~ Sr. DPO(R/2) to consider the aforesaid representation in the light of RBE 160/2008, if the same is filed and pending consideration, and communicate the decision thereon to the applicant and pass a <sup>reason</sup> ~~ed~~ and speaking order within a period of two months from the date of receipt of this order. We make it clear that if the applicant is found to be <sup>entitled</sup> ~~of~~ <sup>to</sup> the claim laid in his representation the same shall be granted to him within a further period of two months from the date of communication of decision.

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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 Mr. N.R. Routray, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent Nos.2 &3 by Speed Post for which he undertakes to file the postal requisites by 12.08.2016.



(R.C.MISRA)  
MEMBER (A)



(A.K.PATNAIK)  
MEMBER(J)