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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.ANo.260/00585 of 2016

Cuttack this the 29th day of August, 2016
CORAM
HON'BLE SHRI A.K.PATNAIK, MEMBER(J)

Bijaya Kumar Sahu, aged about 51 years, S/o.late Rama Sahu, at present working as Head Havildar in Dhamara Customs Division, Dhamara, At-Dhamara Customs, PO-Dosinga, Dist-Bhadrak

...Applicant

By the Advocate(s)-M/s.S.B.Jena & S.Behera

-VERSUS-

Union of India represented through :

1. The Secretary, Ministry of Finance, Department of Revenue, Govt. Of India, North Block, New Delhi
2. The Commissioner, Central Excise, Customs and Service Tax, Odisha, Bhubaneswar-1 Commissionerate, C.R.Building, Rajaswa Vihar, Bhubaneswar-751 007
3. Deputy Commissioner, Central Excise, Customs and Service Tax, Cuttack Division, Abhinaba Bidanasi, Cuttack
4. Assistant Commissioner, Central Excise, Customs and Service Tax, Angul Division, 1st Lane, Similapada, Angul-759 122

...Respondents

By the Advocate(s)- Mr.M.R.Mohanty

ORDER(Oral)

A.K.PATNAIK, MEMBER(J):

In this Original Application under Section 19 of the A.T.Act, 1985, applicant, presently working as Havildar in Dhamara Customs Division, has approached this Tribunal being aggrieved by the inaction of the Respondents, particularly, res.no.3 in disbursing the dearness allowance on T.A. claims for

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the period from 9/2013 to 04/2014 even though bill in this respect has already been submitted. Therefore, he has prayed for direction to be issued to respondent no.3 to sanction the dearness allowance on T.A. claims for the aforesaid period within a stipulated time frame.

2. Heard Mr.S.B.Jena, learned counsel for the applicant and Mr.M.R.Mohanty, learned ACGSC for the respondents, on whom a copy of this O.A. has been served, and perused the records on the question of admission. During the course of hearing on admission, Mr.Jena brought to my notice a representation dated 18.4.2016 (A/4) submitted by the applicant to res.no.3 with a prayer to sanction the claims in his favour. Mr.Jena further submitted that the office of the Assistant Commissioner (res.no.4) vide letter dated 24.4.2016(A/5) has already forwarded the above said representation to respondent no.3 for consideration whereas the latter is yet to take any decision.

3. I have considered the rival submissions at some considerable length. Since the grievance of the applicant is yet to be considered and disposed of by res.no.3, at this stage, I am not inclined to admit this O.A. as in the process disposal of this O.A. would get delayed. In view of this, without going into the merit of the matter, I would direct the Deputy Commissioner, Central Excise, Customs and Service Tax (res.no.3) to consider the representation of the

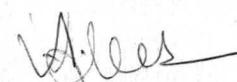
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applicant dated 18.4.2016(A/4) as forwarded by the Assistant Commissioner vide letter dated 21.04.2016, in the light of the extant rules and instructions and communicate a decision thereon to the applicant within a period of two months from the date of receipt of this order. It is, however, made clear that if during the course of consideration, applicant is found to be entitled to the claims as laid by him, the same be disbursed in his favour within a further period of two months from the date of communication of decision on his representation.

4. With the observation and direction as aforesaid, the O.A. is disposed of at the stage of admission itself. No costs.

5. On the prayer made by the learned counsel, copy of this order along with paper book of O.A. be sent to res.no.3 by Speed Post at the cost of the applicant for which Mr.S.B.Jena, undertakes to file the postal requisites by 31.08.2016.

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


(A.K.PATNAIK)
MEMBER(J)