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**O.A. No. 744 of 2012**

Biswar Kumar Nayak.....Applicant

Vs

Union of India & Ors.....Respondents

**Order dated: 09.10.2012**

CORAM:

Hon'ble Shri C.R.Mohapatra, Member (Admn.)

&

Hon'ble Shri A. K. Patnaik, Member (Judl.)

Heard Mr. J.K.Lenka, Ld. Counsel for the applicant, Mr. U.B.Mohapatra, Ld. Sr. Standing Counsel for the Union of India, and Mr. G.C.Nayak, Ld. Govt. Advocate for the State of Orissa.

In this Original Application, applicant has sought quashing of Annexure-A/9 order dated 30.04.2012, wherein the Govt. of Orissa in the General Administration Department has refixed the pay of the applicant in the capacity of OAS(SAG) and to hold that the pay fixation as has been made by the Revenue Department vide Annexure-A/5 dated 07.03.2009 is legal and valid.

During the course of hearing on admission, when queried regarding maintainability of this O.A. due to the reason that the impugned pay fixation order, which is sought to be quashed, had been issued by the Govt. of Orissa in the

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capacity of applicant having worked as OAS(SAG), Ld. Counsel for the applicant could not convince this Tribunal on this point.

In this view of the matter, we are of the opinion that since the applicant has challenged the impugned order at Annexure- A/9, which has been issued by the Govt. of Orissa in the OAS(SAG) grade and that applicant has not sought any relief against the Union of India, the O.A., in its present form, is not maintainable before this Tribunal.

In the circumstances, the O.A. is dismissed being not maintainable.



MEMBER (Judl.)

  
MEMBER (Admn.)

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