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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No. 1006 of 2012
Cuttack, this the 31st day of December, 2012

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)

Gopal Chandra Nanda, IPS (Retd),
Ex-DG & IG of Police Odisha,
Aged about 63 years,
S/o late Madhab Chandra Nanda,
CB-29, Cantonment Road,
Biju Patnaik Chhak,
Cuttack, PIN – 753008

....Applicant

(By Advocates :M/s. S.Rath, B.K.Nayak-3, D.K.Mohanty)

-VERSUS-

Union of India represented through –

- 1 Secretary
 to Govt. of India,
 Ministry of Personnel,
 PG & Pensions,
 Department of Personnel & Training,
 New Delhi-110001.
2. The Secretary,
 Ministry of Finance,
 Department of Expenditure,
 New Delhi-110001.
3. The Chief Secretary
 to Govt. of Odisha,
 Secretariat,
 Bhubaneswar,
 Dist. Khurda

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4. The Principal Secretary
to Govt. of Odisha,
Home Department,
Secretariat,
Bhubaneswar,
Dist. Khurda
5. The Director General & Inspector General of Police,
Odisha,
Buxibazar,
Cuttack.
6. The AIG of Police,
Vigilance,
Odisha,
Cuttack.

.....Respondents

(By Advocate : Mr.G.C.Nayak & Mr.S.Barik)

O R D E R (oral)**A.K.PATNAIK, MEMBER (I):**

Applicant's case, in a nut shell, is that on the basis of the recommendations of the 5th CPC, the Government of India, Ministry of Finance, Department Expenditure issued OM dated 01-03-2004 (Annexure-A/1), merger of 50% of Dearness Allowance with basic pay was made effective from 01-04-2004. It was further directed, therein, that the basic pay shall be shown distinctly as Dearness Pay (DP) which would be counted for the purpose like payment of allowances, transfer grant, retirement benefits and contribution of GPF etc. Subsequently, vide letter dated 31.3.2004 (Annexure-A/2) the Ministry of Finance, Department of Expenditure, New Delhi, issued specific instruction (enclosing thereto a copy of OM dated



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1.3.2004) to the Chief Secretaries of all the State Governments and Union Territories for payment of the benefit of the 50% merger to the Members of All India Services working under the jurisdiction of various State Government/Union Territories.

2. Further case of the Applicant is that he belongs to an Officer of All India Service and while working as Director General and Inspector of Police, Odisha, he retired on attaining the age of superannuation w.e.f. 30.09.2008. Although as per the OMs under Annexure-A/1 & A/2 he was entitled to the benefit of the 50% merger, as indicated above, the same was not paid to him by the Government of Odisha. Therefore, he submitted a representation for grant of the benefits of the merger. Pursuant to the said representation, the Home Department of the Government of Odisha wrote a letter to the Director General of Police, Odisha, Cuttack to intimate the financial implication for payment of arrears to the Applicant on account of merger of 50% DA with basic pay as DP w.e.f. 1.4.2004. The AIG of Police, Vigilance, Odisha, Cuttack, in letter dated 3.7.2012 intimated that the financial implication for payment of arrears on account of merger of 50% DA with basic pay as DP w.e.f. 1.4.2004 to the applicant has been calculated to a sum of Rs.77,229/-. It is the grievance of the Applicant that despite the aforesaid efforts, he has not been paid the amount till date whereas **Shri Mahesh Chandra**

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Mohanty, a retired IPS officer has been paid the benefit of the merger in compliance of the order of this Tribunal **dated 16th October, 2006 in OA No. 557 of 2005**. Hence by filing this OA, the Applicant has prayed to direct the Respondents to pay the amount of Rs.77, 229/- as determined in letter under Annexure-A/5 on account of merger of 50% DA with basic pay as DP w.e.f. 1.4.2004 with 12% interest to the applicant within a specified time to be fixed by this Tribunal.

3. Heard Mr.G.Rath, Learned Senior Counsel ^{assisted} ~~assistant~~ by ^{NA} Mr. D.K.Mohanty, Learned Counsel appearing for the Applicant, Mr.G.C.Nayak, Learned Government Advocate appearing for the State of Odisha and Mr.S.Barik, Learned Additional Standing Counsel for the Union of India and perused the records.

4. Mr. Nayak, Learned Government Advocate appearing for the State of Odisha submitted that although he has not received any instruction in the matter, may be the amount has not been paid due to Government dues standing at the credit of the Applicant and in the event some time is allowed; he could ascertain the position and apprise the Tribunal.

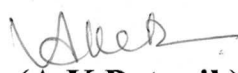
5. I have considered the rival submissions of the parties and in my considered opinion, if the Respondents could have intimated any such thing even after receipt of the letter dated 03.07.2012 as the applicant has a right to know about the fate of his representation,

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hence, without entering into the merit of the matter, it is hereby directed that the Respondents 3 & 4 shall examine the case of the applicant in the light of the order of this Tribunal dated 16th October, 2006 in OA No. 557 of 2005 (**Mahesh Chandra Mohanty –Vrs- Union of India and others**) and if it is considered that withholding of the amount was not for any outstanding dues, then the amount of Rs.77,229/- as shown in letter dated 3.7.2012 (Annexure-A/5) shall be paid to the Applicant within a period of 45 days from the date of receipt of copy of this order. No costs.

6. Subject to furnishing the postal requisite within a period of two days, as undertaken by the Learned Senior Counsel for the Applicant, copy of this order along with OA be sent to the Respondent Nos.3 and 4 for compliance.


(A.K.Patnaik)
Member (Judicial)