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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. NO. 201 OF 2013

Cuttack, this the 10th day of May, 2013

CORAM

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

HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)

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Lazarus Paul,
aged about 69 years,
S/o. Sen Paul @ Somnath Paul,
Previously working as Loco Shunter(LS)
Under Sr. DME/Waltair,
Presently residing, At-Dhobipara,
Kantabanjhi, Dist. Bolangir

...Applicant

(Advocate(s) : ~~Mr.~~ A.Kanungo, C.Nayak, S.Lokesh Kumar)

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VERSUS

Union of India Represented through

1. General Manager,
East Coast Railway,
Chandrasekharpur,
Dist- Khurda.
2. Chief Personnel Officer,
East Coast Railway,
Chandrasekharpur, Dist. Khurda,
3. Sr. D.P.O.,
East Coast Railway,
Waltair Division, Waltair,
Visakhapatnam.
4. D.R.M. (Personnel),
East Coast Railway, Waltair Division,
Waltair, Visakhapatnam.

... Respondents

(Advocate: Mr. T. Rath)

ORDER

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

Heard Mr. A.Kanungo, Ld. Counsel for the applicant, and Mr.
T.Rath, Ld. Standing Counsel representing the Respondent-Railways, on
whom a copy of this O.A. has already been served.

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2. So far as M.A. 253/13 filed by the applicant for condonation of delay is concerned, the same is allowed.

3. We find that the Applicant has filed this O.A. due to inaction of the Respondents to consider his case for refixation of his pay and pension taking cognizance of the total emoluments of Rs, 5108/- in the pre-revised scale in 4th CPC while coming to 5th CPC. He further alleged that the recovery of the amount (allegedly excess drawn) retrospectively is illegal, arbitrary and contrary.

4. We find that ventilating his grievance the applicant had made representation way back on 21.05.2005 addressed to Chief Personnel Officer, E.Co.Rly (Respondent No.2). On 10.04.2011 when the matter came up for admission, Mr. T.Rath, Ld. Standing Counsel for the Railways, was directed to apprise this Tribunal within two weeks regarding status of the representation dated 21.05.2005 made by the applicant to Respondent No.2. However, today Mr. Rath submitted that this being quite old record, some more time is required to find out the exact status of the representation whether it is still pending or disposed of or any order has been communicated to the applicant or not.

5. In view of the above and taking into account the age of the applicant, i.e. approaching 70 years, at this stage, without entering into the merit of this case, we dispose of this O.A. by granting liberty to the applicant to make a comprehensive representation to Respondent No.2, i.e. Chief Personnel Officer, East Coast Railways, within a period of two weeks from today. If such a representation is made then Respondent No.2 is directed to consider the same as per extant rule and communicate the result thereof to the applicant within a further period of six weeks from the date of receipt of

 

such representation. After such consideration of the representation if the applicant is found to be eligible to some amount then the same may be disbursed to the applicant as per extant rules and provisions within a further period of six weeks.

6. With the above observation and direction, the O.A. stands disposed of.

7. Copy of this order, along with paper book, be sent to Respondent No.2 at the cost of the applicant for which Mr. Kanungo, Ld. Counsel for the applicant, undertakes to deposit the postal requisites by 14.05.2013.


MEMBER (Admn.)


MEMBER (Judl.)

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