

3

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK**

**O. A. No. 575 of 2013**  
Cuttack this the 22<sup>nd</sup> day of August, 2013

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

.....

Narayan Rath, aged about 68 years, Son of Late Baishnab Charan Rath, resident of Plot No. 739/4, Barik Sahi, Post. Old Town, Bhubanesar-751 002, Dist. Khurda.

.....Applicant

(By the Advocate(s)-M/s.L.Dash, S.Mohanty, J.Mohapatra, D.Monthan, D.Prusty)

**-VERSUS-**

**Union of India represented through**

1. Chairman, Railway, Board, New Delhi.
2. General Manager, East Coast Railway, Chandrasekharpur, Bhubaneswar, Dist. Khurda.
3. Divisional Railway Manager Khurda Road Division, East Coast Railway, At/Po.Jatni, Dist. Khurda.
4. Senior Divisional Personnel Officer, Khurda Road Division, East Coast Railway, At/Po.Jatni, Dist. Khurda.
5. Senior Divisional Finance Manager, Khurda Road Division, East Coast Railway, At/Po.Jatni, Dist. Khurda.

.....Respondents

(By the Advocate(s)-Mr.T.Rath)

**O R D E R**

(Oral)

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

The case of the Applicant in gist is that ~~he~~ while working as Chief Goods Supervisor, Grade-II in the East Coast Railway; he retired from service w.e.f. 31.1.2005. Thereafter he was promoted retrospectively. Though he was entitled to the financial benefits of the



promotion the same was not paid to him despite several representations. He has submitted application under RTI Act, 2005 and <sup>in</sup> reply he was intimated vide letter dated 15.10.2012 that he is not eligible for interest because of delay in payment of DCRG amount and other related settlement dues on account of pendency of major penalty charge sheet, want of quarter vacation certificate, electricity dues, quarters retention permission, store debit, CUG clearance and Commercial Debit Clearance etc.

2. Mr.T.Rath, Learned Standing Counsel for the Railway on whom copy of this OA has been served, submitted that in view of the facts mentioned in the letter dated 15.10.2012 nonpayment of the dues now claimed by the Applicant cannot be faulted. It was further submitted that if the reason communicated in the letter dated 15.10.2012 is at any rate not correct then it was incumbent upon the applicant to apprise the concerned authority for getting his dues instead of rushing <sup>to</sup> this Tribunal on the strength of the information provided under RTI Act, 2005. Hence, Mr.Rath, vehemently objected to the maintainability of this OA and has prayed for dismissal of this OA.

3. In view of the above, Mr.Dash, Learned Counsel for the Applicant seeks leave of this Tribunal to withdraw this OA so as to pursue his grievance before the competent authority i.e. Respondent

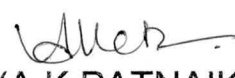
*Alles*

No.4, at the instance, by making an exhaustive representation and also prays to direct the Respondent No.4 to consider and dispose of the said representation at an early date by taking <sup>into account</sup> the age and date of retirement of the Applicant.

4. Thus, after having heard Mr.Laxmidhar Dash, Learned Counsel for the Applicant and Mr.T.Rath, Learned Standing Counsel appearing for the Railway-Respondent, this OA is disposed of as withdrawn by granting liberty to the Applicant to make an exhaustive representation giving full justification and particulars of his entitlements to Respondent No.4 who upon receipt of the same examine the matter with reference to the records and communicate the decision in a well-reasoned order to the applicant within a period of sixty days from the date of receipt of such representation. In the event it is held that the applicant is entitled to any of the benefits the same should be paid to him within a period of another sixty days from the date of the said order. There shall be no order as to costs.

5. As prayed for by Mr.Dash, Learned Counsel for the Applicant, copy of this order along with OA be sent to the Respondent Nos. 4&5 by speed post, by the Registry at the cost of the applicant; for which Mr.Dash, Learned Counsel for the applicant undertakes to file the postal requisite meanwhile in the Registry.

(R.C.MISRA)   
Member(Admn.)

  
(A.K.PATNAIK)  
Member (Judl.)