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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 578 OF 2013
Cuttack, this the 22nd day of August, 2013

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

.....
Amina Chandra Samal,
aged about 56 years,
S/o Golokh Chandra Samal,
At present working as Khalasi Helper under
I.O.W/Works, E.Co.Rly. Bhadrak,
Permanent resident of
Vill/P.O. - Tarito, Via-Kishorenagar,
Dist- Cuttack, Odisha.

.....Applicant

Advocate(s) M/s. N.R. Routray, T.K. Choudhury, S.K. Mohanty, Ms. J. Pradhan.

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Union of India represented through

1. The General Manager,
East Coast Railway,
E.Co.R Sadan, Chandrasekharpur,
Bhubaneswar, Dist-Khurda.
2. Divisional Personnel Officer-I,
East Coast Railway,
Khurda Road Division,
At/PO- Jatni, Dist-Khurda
3. Sr. D.E.N./Co-ordn.,
East Coast Railway,
Khurda Road Division,
At/PO- Jatni, Dist-Khurda
4. Sr. Divisional Financial Manager,
East Coast Railway,
Khurda Road Division,
At/PO- Jatni, Dist-Khurda

..... Respondents

Advocate(s)..... Mr. T. Rath

Attn:

O R D E R (ORAL)

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

Heard Mr. N.R.Routray, Ld. Counsel for the applicant, and Mr. T.Rath, Ld. Standing Counsel appearing for the Railways, on whom a copy of this O.A. has already been served.

2. The applicant has filed this instant O.A. under Section 19 of the Administrative Tribunals Act 1985 challenging inaction on the part of the Respondents in not paying him differential arrear of Rs. 99,116/- for the period from 01.02.2000 to 23.04.2005. Mr. Routray, Ld. Counsel for the applicant, submitted that the applicant initially joined S.E.Railways on 26.09.1991 and while working as Sr. Gate Keeper, he was sent to periodical medical test/examination and was declared unfit in Aye three but fit in Bee two vide medical order dated 22.04.2000. Accordingly, being declared medically unfit, he was offered an alternative absorption as Sr. Chowkidar, Elect/CAP vide order dated 20.11.2000 in the scale of pay Rs. 2650-4000/- with special pay of Rs. 100/. Mr. Routray further submitted that while the position stood thus, he was again given posting as CJM, RPHO/Cuttack in the scale of Rs. 2650-4000/- and the period from 01.12.2000 to till date was treated as duty as he was waiting for posting order. Challenging the said order of posting as CJM, the applicant made appeal for consideration of his alternative absorption and after such reconsideration of his prayer he was offered the post of Khalasi Helper in the scale of Rs. 2650-4000/ under Section Engineer (Works), Bhadrak. In pursuance of the said posting, applicant's pay was recasted vide order dated 04.08.2008 for the period from 01.03.2000 to 23.04.2005 and the arrear was drawn through a supplementary bill amounting to Rs. 99, 116/- as gross amount, out of which Rs. 91,383/-

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was net payable to him. Mr. Routray further submitted that due to non-receipt of the arrear bills, applicant ran from pillar to post for payment but none of the authorities have answered his queries and his grievance were not settled though he made his best efforts. Alternatively, without getting any relief from the authorities, applicant made comprehensive representation on 11.02.2013 to Divisional Personnel Officer-I, East Coast Railways (Respondent No.2) and the copy of the same has been forwarded to the DRM, Sr. DFM (Respondent No.4) and Sr. DEN/Co-ordn. (Respondent No.3).

3. Mr. T.Rath, Ld. Standing Counsel for the Railways, has no immediate instruction if any such representation has been made by the applicant and, if so made then consideration thereof.

4. Having heard Ld. Counsel for the parties, without entering into the merits of this case, we dispose of this O.A. at the stage of admission itself by directing Respondent No.2, i.e. Divisional Personnel Officer-I, East Coast Railways, to consider the representation, if at all made by the applicant on 11.02.2013 and if it is still pending, and communicate the result thereof to the applicant by way of a reasoned and speaking order within 60 days from the date of receipt of this order. However, if after such consideration the applicant is found to be legally entitled to certain dues then the steps may be taken by Respondent Nos. 2, 3 and 4 for disbursement of the same to him within a further period of 90 days from the date of such consideration.

5. We also make it clear that if the said representation has already been disposed of, in the meantime, then the result of the same be

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communicated to the applicant within two weeks from the date of receipt of this order.

6. With the aforesaid order and direction, the O.A. stands disposed of at the stage of admission itself.

7. As prayed for by Mr. Routray, Ld. Counsel for the applicant, copy of this order along with paper book be sent to Respondent Nos. 2, 3 and 4 at the cost of the applicant. He undertakes to file the postal requisites by 23.08.2013.


MEMBER (Admn.)


MEMBER(Judl.)

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