

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. NO. 579 OF 2013
Cuttack, this the 30th day of August, 2013

CORAM

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

.....
Nisith Ranjan Barik,
aged about 36 years,
S/o – Niranjan Barik,
Phula Pokhari, Barang, Dist-Cuttack,
Presently working as Assistant Foreman,
O/O Central Poultry Development Organization (ER),
Nayapalli, Bhubaneswar,
Dist- Khurda 751012.

.....Applicant

Advocate(s) M/s. D.P.Dhalsamant, N.M.Rout, C. Mohanta

VERSUS

Union of India represented through

1. Secretary,
Ministry of Agriculture,
Department of Animal Husbandry,
Dairying and Fisheries,
Krishi Bhawan, Room No. 337,
New Delhi-110001.
2. Deputy Secretary, Admn. III (P),
Govt. of India, Ministry of Agriculture,
Department of A.H. Dairying & Fisheries,
Krishi Bhawan, New Delhi-110001.
3. Director,
Central Poultry Development Organization (Eastern Region),
Nayapalli, Bhubaneswar,
Dist- Khurda 751012.

..... Respondents

Advocate(s)..... Mr. P.R.J.Dash

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ORDER (ORAL)

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

Heard Mr. D.P.Dhalsamant, Ld. Counsel for the applicant, and
Mr. P.R.J.Dash, Ld. Addl. Central Govt. Standing Counsel appearing for the
Respondents, on whom a copy of this O.A. has already been served.

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2. This O.A. has been filed by the applicant against inaction of the Respondents in not granting him the scale of pay of Rs. 9300-34800/- with Grade Pay Rs. 4200/- w.e.f. 16.04.2012. Mr. D.P.Dhalsamant, Ld. Counsel for the applicant, submitted that the applicant was selected as Assistant Foreman and joined the said post on 27.01.1999 in the scale of Rs. 4000-6000/-, which was revised to Pay Band Rs. 5200-20,200/- with Grade Pay of Rs. 2400/- w.e.f. 01.01.2006 under 6th CPC. Mr. Dhalsamant further submitted that as per the Recruitment Rules, which was revised vide notification dated 16.04.2012, the essential qualification of the said post is specified and exclusively made "Diploma in Mechanical/Electrical Engineering from recognized Institution and practical experience of work for two years in the scale of pay band Rs. 5200-20,200/- with grade pay Rs. 2400/-". The further case of the applicant is that as per the revised recruitment rules, the minimum qualification for the post of Assistant Foreman is Diploma in Engineering which were proposed by 5th CPC and also accepted by the Govt. w.e.f. 1.1.1996. It was also decided that the post having the minimum essential qualification Diploma Engineering, the scale is to be placed in Rs. 5000-8000/- (Pre Revised) under 5th CPC, which was revised to the Scale of Rs. 9300-34800/- with grade pay Rs. 4200/- w.e.f. 01.01.2006. Mr. Dhalsamant submitted that though the applicant is discharging the duties of Assistant Foreman having requisite qualification he has not been given the said benefit, for which he made representation to Dy. Secretary, Admn. III (P), Respondent No.2, vide his representation dated 12.10.2012 which was forwarded to said Respondent No.2 by the Respondent No.3 vide letter dated 05.01.2013. Mr. Dhalsamant submitted that till date the applicant has received no communication against such



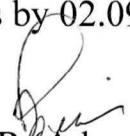
representation made by him to Respondent No. 2 on 12.10.2012.

3. On the other hand, Mr. P.R.J.Dash, Ld. ACGSC, has no immediate instruction regarding fate of the representation if at all made by the applicant on 12.10.2012 to Respondent No. 2, which was duly forwarded to him by Respondent No. 3.

4. In view of the above, without entering into the merit of this case, we dispose of this O.A. at the stage of admission itself by directing Dy. Secretary, Admn. III (P), Respondent No.2, to consider the representation, if at all made by the applicant on 12.10.2012, which has been duly forwarded to him by Respondent No.3 vide letter dated 05.01.2013 and communicate the result thereof to the applicant by way of a reasoned and speaking order within one month from the date of communication of this order. If after such consideration, the applicant is found to be entitled to certain dues as claimed by him then the steps may be taken for disbursement of the said amount within two months from the date of such consideration. However, if in the meantime, representation made by the applicant on 12.10.2012 has already been considered and disposed of then the result thereof be communicated to the applicant within two weeks from the date of receipt of copy of this order.

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

6. Copy of this order, along with paper book, be transmitted to Respondent No. 2 at the cost of the applicant, for which Mr. Dhalsamant, Ld. Counsel for the applicant, undertakes to file the postal requisites by 02.09.2013.


MEMBER (Admn.)


MEMBER (Judl.)

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