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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. NO. 619 of 2013
Cuttack the 11th day of September, 2013

CORAM

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

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Prasanna Kumar Nayak, aged about 37 years, S/o. Late Karunakar Nayak, At-Sudhasarangi, Po.Bramharasarangi, PS-Balianta, Dist. Khurda.

...Applicant

(Advocates: Ms Chitra Padhi)

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Union of India Represented through –

1. Secretary, National Council of Educational Research and Training, Shri Aurobindo Marg, New Delhi-110 016.
2. Director, NCERT, At-Sri Aurobindo Marg, New Dehi-110 016.
3. Principal, Regional Institute of Education, At-Bhubaneswar-751 022.

..... Respondents
(Advocate: Mr.B.Dash)

O R D E R

(Oral)

A.K. PATNAIK, MEMBER (JUDL.)

The case of the Applicant in nut shell is that he has been working as Junior Library Attendant in the Regional Institute of Education, Bhubaneswar, under Respondent No.2 since 2004. Respondent Nos.1&2 (National Council of Educational and Training) New Delhi issued order on 23.5.1996 stating inter alia that the Junior

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Library Attendants who have fulfilled the minimum qualification for the post of Senior Library Attendant i.e. Matric/HSC are to be allowed the scale of Senior Library Attendant with effect from 1.4.1992 and/or from the date of acquiring minimum qualification whichever is later. In terms of the aforesaid order, three Junior Library Attendants of the NCERT Hqrs have been allowed the scale of Senior Library Attendant i.e. Rs.950-1400/- w.e.f. 1.4.1992.

(ii) Further case of the Applicant in the first schedule of Part B of the Revised Pay Rules, 2008 the post of Library Attendant Grades II and I merged and placed in the revised Pay Band PB-I along with GP of Rs.1,800/-. In terms of the said stipulation, the Pay scale of the Applicant should have been fixed in the revised Pay Band PB I with GP Rs.1800/- (i.e. Rs.5,880/- + 1,800/- =Rs.7680). But instead of fixing the pay in pay band PB I the pay of the applicant was fixed in a lower scale i.e. in Pay band i.e. in the scale of Rs.4440.00-7440.00+ GP Rs.1650.00.

(iii) It is the positive case of the Applicant that by making successive representations on 12.12.2008, 6.6.2011 and 5.3.2012 he has prayed before the Respondent Nos.2 & 3 for extension of the benefits of the circular as has been granted to his counterpart employees of the

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NCERT but as nothing was communicated to him till date he has approached this Tribunal in the instant OA praying as under:

"(a) To hold/declare/order that nonpayment of senior scale of pay to the applicant in terms of the office order dated 23.05.1996 ~~was/is~~ bad, illegal, contrary to the said office ~~order~~ and nonest in the eye of law and thereby direct the respondents to sanction and pay the Senior scale of pay to the applicant from the date of joining in terms of the said office order datd 23.05.1996 forthwith and disburse the arrears forthwith too.

(b) hold/declare/order that non fixation of pay of the applicant in pay PB I of the Central Civil Service Revised pay Rules, 2008 was/in bad, illegal and not tenable in the eye of law and thereby direct the respondents to re fix the pay of the applicant in the pay band PB I of the Revised Scale of pay with effect from 1.1.2006 forthwith and disburse the arrear forthwith."

2. Mr. B. Dash, Learned Counsel on behalf of the respondents received copy of the O.A. and submitted that since representations submitted by the applicant are stated to be still pending this O.A. is premature and is liable to be dismissed and/or he may be permitted to obtain instructions of the fate of the representations. But we do not find reason to either allow any time to Mr. Dash or to admit this O.A. in view of the specific provisions of the A.T. Act, 1985 and, therefore, after hearing Ms. C. Padhi, Learned Counsel for the Applicant and without expressing any opinion on the merit of the matter, we dispose of this O.A., at this admission stage, with direction to the Respondent Nos.2 & 3 to ^{dated} ~~dated~~ 12.12.2008, 06.06.2011 consider and dispose of the representations.

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and 05.03.2012 stated to have been submitted by him, if the same are still pending and communicate the decision in a well-reasoned/speaking order to the Applicant within a period of two months from the date of receipt of copy of this order. In case on consideration of the representation it is held that the applicant is entitled to the benefits as claimed by him in his representation then the same may be disbursed to him within another period of sixty days from the date of the order of Respondent Nos.2 & 3. However, if in the meantime, the representations made by the Applicant have been disposed of, then the result of the same may be communicated to the Applicant within a period of 02 weeks from the date of receipt of this order. There shall be no order as to costs.

3. As prayed for by Ms. Padhi, Learned Counsel for the Applicant, copy of this order along with O.A be sent to the Respondent Nos.2 & 3 for compliance by post at the cost of the Applicant for which she undertakes to furnish the required postal requisite within three days hence in the Registry.


(R.C. MISRA)
MEMBER(A)


(A.K. ATNAIK)
MEMBER (J)