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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. No. 697 of 2013

Cuttack the 29th day of November, , 2013

CORAM

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

.....

Shri Bibhuti Bhusan Patnaik, aged about 55 years, S/o. Late Govinda Ranjit Patnaik serving as APM (Mails), (HSG-II), Berhampur HO officiating as DPM (HSG-I), Berhampur HO, At/Post. Berhampur, Dist. Ganjam.

...Applicant

(Advocates: M/s.G.K.Behera, D.R.Mishra)

VERSUS

Union of India Represented through –

1. The Director General of Posts, Dak Bhawan, Sansad Marg, New Delhi-110 001.
2. The Chief Postmaster General, Odisha Circle, Bhubaneswar, Dist. Khurda.
3. The Postmaster General, Berhampur Region, Berhampur, Dist. Ganjam.

.....Respondents

(Advocate: Mr.L.Jena)

ORDER

(Oral)

A.K.PATNAIK, MEMBER (J):

The Applicant who is working as APM (Mails), (HSG-II), Berhampur HO has filed this Original Application under section 19 of the A.T.Act, 1985 praying for direction to the Respondents to sanction the higher scale



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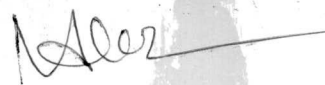
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of pay i.e. Rs.9300-348000/- (PB 2) with GP Rs.4600/- from 02.11.2012 to fill date as he has been officiating in the higher post i.e. the DPM Berhampur HO HSG I and to make payment of the differential arrear dues within a stipulated period. It is the positive case of the applicant that as per the rules he is entitled to the said benefits for having worked in the higher post on officiating basis but despite representation dated 10.6.2013 he has neither been paid his dues nor has he been communicated any reply on such representation by the Chief Post Master General, Odisha Circle, Bhubaneswar/Respondent No.2.

2. Heard Mr.G.K.Behera, Learned Counsel for the Applicant and Mr. L.Jena, Learned Additional CGSC appearing for the Respondents and perused the records. When it is the specific case of the applicant that he having been allowed to work on officiating basis in higher post is entitled to higher pay/emoluments and due to non payment



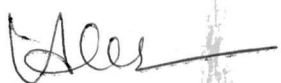
of such higher pay he has submitted representation he has a legitimate expectation to know the result thereof at the earliest opportunity. But as submitted by Learned Counsel for the Applicant till date no decision has been communicated on the said representation dated 10.6.2013. This being a matter needs consideration at the first instance by the competent authority. Mr.Jena submitted that he has no instruction about the representation submitted by the applicant and the status thereon. In view of the above, after hearing learned counsel for both sides, without expressing any opinion on the merit of the matter, this OA is disposed of at this admission stage with direction to the Respondent No.2 to give due consideration to the representation dated 10.6.2013 if it is received and still pending with him and communicate the decision in a well reasoned order to the Applicant within a period of sixty days from the date of receipt of copy of this order. If any decision has already



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been taken on the said representation the result thereof shall be communicated to the applicant within a period of fifteen days from the date of receipt of copy of this order. On consideration of the representation, if it is held that the applicant is entitled to the claim made in the OA then the same be paid to him within a period of thirty days from the date of the order. There shall be no order as to costs.

3. Copy of this order be sent to Respondent No.2 at the cost of the applicant for which learned counsel for the applicant undertakes to furnish the postal requisite by 3rd December, 2013.


(A.K. Patnaik)
Member (Judicial)