

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

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O.A.No.950 of 2013

Cuttack this the 21st day of January, 2014

CORAM

HON'BLE SHRI R.C.MISRA, MEMBER(A)

Naba Barik
Aged about 68 years
S/o. late Panchu Barik
Retired Trachman/Con.
East Coast Railway/Rahama
Permanent resident of Vill-Khapuriapada
PO-Kumbhiragadia
Dist-Jajpur
Odisha

...Applicant

By the Advocate(s)-Mr.N.R.Routray

-VERSUS-

Union of India represented through

1. General Manager,
East Coast Railway
E.Co.R.Sadan
Chandrasekharpur
Bhubaneswar
Dist-Khurda
2. Senior Personnel Officer/Con./Co-ordn.
East Coast Railway
Rail Vihar
Chandrasekharpur
Bhubaneswar
Dist-Khurda
3. Deputy Chief Engineer/Con./Co/ordn./E.Co.Rly.
Rail Vihar, Chandrasekharpur
Bhubaneswar
Dist-Khurda
4. Financial Advisor & Chief Accounts Officer/Con./East Coast Railway
Rail Vihar, Chandrasekharpur
Bhubaneswar
Dist-Khurda

...Respondents

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



ORDERR.C.MISRA, MEMBER(A):

Heard Shri N.R.Routray, learned counsel for the applicant and Shri T.Rath, learned Standing Counsel, on whom a copy of this O.A. has been served, appearing for the Respondent-Railways and perused the materials on record.

2. Shri Rath accepts the notice of this O.A. Accordingly, Registry is directed to serve copy of notice on Shri Rath under Sub Rule-4 of Rule-11 of CAT (Procedure) Rules, 1987 for onward transmission..

3. Shri Routray submitted that the applicant, who was granted temporary status with effect from 1.1.1983 in the Railways and while working as Khalasi in the Construction Organization retired from service on 30.6.2006 on attaining the age of superannuation. According to applicant, he has rendered more than 20 years of qualifying service for pension and accordingly, the Railway authorities have issued PPO on 5.7.2006 and paid all the superannuation benefits in the scale of Rs.2610-3540/-. In the meantime, on the recommendations of the 6th CPC, the Railway Board issued RBE No.160/2008 conferring the benefits of fixation of pay ^{on P} and of the applicant and other similarly placed employees. Therefore, the submission of the applicant in this case is that the Respondents should be directed to revise the scale of pay of the applicant to Rs.5200-20,200/- (PB -1) with GP Rs.1800/- with effect from 1.1.2006 as per the provision of RBE No.160/2008 and also grant full pension under RBE No.222/2009. Making such a prayer the applicant has made a representation on 15.4.2013 to the Senior Personnel Officer(Res.No.2) and



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having no response, the applicant has moved this Tribunal in the present O.A.

4. Shri Rath on behalf of the Respondents mentioned that he has no immediate instruction about pendency of any such a representation.

5. However, without prejudice to the contentions of both the sides, if such a representation has been received and is pending with Respondent No.2 the same shall be disposed of through a reasoned and speaking order within a period of sixty days from the date of receipt of this order. However, if it is decided that the applicant is entitled to the benefit as per the RBEs as referred to above, the same shall be granted to him within a further period of sixty days.

6. With the aforesaid direction, this O.A. is disposed of at the stage of admission itself. No costs.

7. Send copy of this order to Res.No.2 at the cost of the applicant, for which Shri Routray undertakes to file the postal requisites within next two days. Free copy of this order be made over to the learned counsel for both the sides.

BKS


(R.C.MISRA)
MEMBER(A)