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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.971 OF 2013

Cuttack this the 31st day of January, 2014

CORAM

HON'BLE SHRI A.K.PATNAIK, MEMBER(J)

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

Pratap Chandra Adhikary
Aged about 48 years
S/o. late Siba Adhikary
Resident of village-Surada
PO-Surada
Dist-Ganjam
At present residing at Bidanasi New Colony
PS-Bidanasi
Dist-Cuttack
W.C.Gr.I Postal Division
Cuttack-753 003

...Applicant

By the Advocate(s)-M/s.S.K.Das

-VERSUS-

Union of India represented through

1. The Secretary
Department of Posts
Ministry of Communication
Govt. of India
New Delhi-11
2. Director General
Department of Posts
Dak Bhawan
New Delhi
3. Chief Engineer(Civil),
Department of Posts
Dak Bhawan
New Delhi

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4. Chief Post Master General, Bihar Circle, Patna
5. Chief Post Master General, Orissa Circle
At-Bhubaneswar
Dist-Khurda
6. Superintending Engineer©, Postal Civil Services
6th Floor, Meghadoot Bhawan, GPO Compound
Patna, Bihar
7. Executive Engineer©, Postal Civil Division,
At/PO/Dist-Cuttack-753 003
8. Accounts Officer, Postal Civil Division,
At/PO/Dist-Cuttack-753 004

...Respondents

By the Advocate(s)-Mr.M.K.Das

ORDER

A.K.PATNAIK, MEMBER(I)

Heard Shri S.K.Das, learned counsel for the applicant and Shri M.K.Das, learned Addl.Central Govt. Standing Counsel, on whom a copy of O.A. has been served, appearing for the Respondents and perused the materials on record. Shri M.K.Das accepts notice on behalf of the Respondents. Registry is directed to serve notice on Shri Das under Sub Rule4(i) of Rule,11 of CAT(Procedure) Rules, 1987 for onward transmission.

2. In this Original Application, the applicant has sought for the following relief.

- i) ...to quash the orders of the Respondent No.6 undr Annexure-A/7, A/8, A/9 and also the order of Respondent No.8 under Annexure-A/11 and A.12.
- ii) ...to direct the Respondents to re-fix the pay of the applicant in the 2nd MACP w.e.f. 18.6.2010

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with the GP Rs.4200/- as his pay has already been fixed in the TBOP w.e.f. 18.6.2010 and granted benefit of the GP Rs.2800/-.

- iii) ...to direct the Respondents to calculate the differential arrears on such re-fixation of pay of the applicant in the 2nd MACP w.e.f. 18.6.2010 and pay the same to him within a stipulated period as deem fit and proper.

3. It reveals from the record that applicant while working as W.C.Gr.I under the Postal Civil Circle, benefit of TBOP granted to him having been withdrawn, he has been asked to deposit the excess amount drawn by him on this score. Agitating his grievance, the applicant has filed a representation dated 8.2.2010(Annexure-A/10) to the Respondent No.6. While the matter stood thus, his pay having been re-fixed, the applicant has been asked vide Annexure-A/12 dated to deposit Rs.43,792/-. It is the case of the applicant that without considering his representation in its proper perspective, Respondents should not have issued Annexure-A/12. Hence this Original Application, with the aforesaid prayer.

4. Shri Das has no immediate instructions as to whether any such representation has been filed by the applicant and if so the status thereof.

5. We have considered the submissions made by the learned counsel for both the sides. In consideration of submissions made by the learned counsel for the parties, we direct Respondent No.6 that if any such representation has been preferred by the applicant and is pending consideration, the same shall be considered and disposed of through a



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reasoned and speaking order within a period of sixty days from the date of receipt of this order. It is, however, made clear that until a decision as directed above is taken and communicated to the applicant, the applicant should not be insisted on depositing the overdrawn amount of Rs.43,792/-.

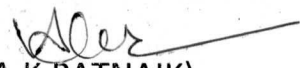
6. With the above observation and direction, this O.A. is disposed of at the stage of admission itself. No costs.

7. Send a copy of this order to Respondent No.6 at the cost of the applicant for which Shri Das is directed to file the postal requisites and free copy of this order be made over to the learned counsel for both the sides.

(R.C.MISRA)
MEMBER(A)



(A.K.PATNAIK)
MEMBER(J)



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