

3
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 260/00265 OF 2014

Cuttack this the 25th day of April, 2014

CORAM

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

.....
Rabindranath Nayak,
aged about 54 years,
Son of Late Brundaban Nayak,
At present working as Technical Assistant,
In Regional Medical Research Centre (RMRC),
Chandrasekharpur, Bhubaneswar

...Applicant

(Advocates: M/s. M.C.Jena, Smt. M. Jena, P.K.Khuntia)

VERSUS

Union of India Represented through

1. Secretary to the Government,
(Department of Medical Research) under
Ministry of Health and Family Welfare,
Central Secretariat, New Delhi.
2. Director General-cum- Secretary,
Indian Council of Medical Research (ICMR),
Ansari Nagar, New Delhi 110029.
3. Director,
Regional Medical Research Centre (RMRC),
Chandrasekharpur, Bhubaneswar-751023.

... Respondents

(Advocate: Mr. S. Barik)

ORDER (ORAL)

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

Copy of this OA has been served on Mr. S. Barik, Ld. Addl.
CGSC appearing for the Respondents, who accepts notice for all the
Respondents in this OA. Registry is directed to serve notice, in terms of Sub
rule 4 of Rule 11 of the CAT (Procedure) Rules, 1987 for onward

A.K. Patnaik

transmission. Heard Mr. M.C.Jena, Learned Counsel for the Applicant, and Mr. S. Barik, Ld. Addl. CGSC appearing for the Respondents, and perused the materials placed on record.

2. This Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 praying for a direction to the Respondents to place him in the post of Technical Assistant w.e.f. 01.01.1996 in the scale of pay Rs. 5000-8000 at par with the Technical Assistant of Tuberculosis Research Centre, Chennai as prayed for in his representations and the recommendations by the Director of the Institute/Centre. The case of the applicant is that he had joined as Census Taker under Respondent No.3 on 03.06.1985. Vide order dated 5.5.1997, while allowing the writ application filed by the applicant, i.e. O.J.C.No. 7917 of 1994, the Hon'ble High Court of Orissa directed the Respondents to give the applicant a revised scale of pay as is available to the Census Taker of Tuberculosis Research Centre, Chennai. Ld. Counsel for the applicant submitted that there was a suggestion by Respondent No.3 to Respondent No. 2 to upgrade the scale 1640-2900 (in the 4th Pay Commission) and the applicant also submitted request letter to Respondent No.3 for proper placement of the post of Census Taker as Technical Assistant w.e.f. 01.01.1996. Having received no response, the applicant made successive representations to Respondent No.3 vide Annexure- A/3 series, which are stated to be pending consideration.

3. Mr. S. Barik, Ld. ACGSC appearing for the Respondents, has no immediate instruction whether any such representations have been filed by the applicant, and if so, the status thereof.

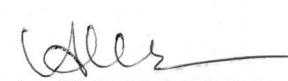
Ally

4. Taking into account the submissions made by Ld. Counsel for both the sides and the fact as stated by Ld. Counsel for the applicant that the representations (Annexure-A/3 series) preferred by the applicant are still pending, without going into the merit of this case, we dispose of this O.A. directing Respondent No. 3 to consider the representation and pass a reasoned and speaking order under intimation to the applicant within a period of 60 days from the date of receipt of a copy of this order. We make it clear that if after such consideration the applicant is found to be entitled to the benefits claimed by him then expeditious steps be taken preferably within a period of 90 days therefrom to grant the same to the applicant. If the aforesaid representations have already been considered and disposed of by the Respondents then a copy thereof be communicated to the applicant within a period of two weeks from the communication of the order.

5. With the above observation and direction, this O.A. is disposed of at the stage of admission itself.

6. As agreed to by Ld. Counsel for both the sides, copy of this O.A., along with the copy of this order, be transmitted to Respondent No. 3 by Speed Post at the cost of the applicant, for which Mr. Jena, Ld. Counsel for the applicant, undertakes to furnish the postal requisites by 30.04.2014.


(R.C.MISRA)
MEMBER (Admn.)


(A.K.PATNAIK)
MEMBER(Judl.)

RK