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P.C.Pradhan-Vrs-UOI&Ors

ADMISSION Sl.No.3

OA No.260/00481/2014

ORDER - dated 24th June, 2014.

CORAM

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

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Heard Mr.A.Kanungo, learned Counsel for the Applicant and Mr.T.Rath, Learned Standing Counsel for the Railway (on whom copy of this OA has been served) who is present in Court and perused the records.

2. The case of the applicant, in nut shell, is that he was on deputation to the Respondent-Railway and is going to complete his five years tenure of deputation w.e.f. 29.06.2014 and is to be repatriated to his parent department thereafter as per the Memorandum dated 10.06.2014. It has been stated that as per the instructions dated 13.3.2009 he was entitled to reimbursement of Children Education Allowance (CEA) incurred in respect of his children during his incumbency in the Railway but despite repeated representations, last one being dated 2nd June, 2014 sent to Respondent No.1, till date he has not been paid his dues which he is entitled to as per the instructions dated 13.3.2009. Hence by filing the present OA he has prayed for direction to the Respondents to pay him the CEA incurred by him for his children during the period he was under deputation. Mr.Rath prays time to obtain instruction as he has no instruction about the representations stated to have been made by the

Alley

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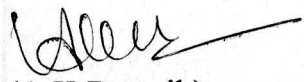
applicant. It is the positive case of the applicant that neither he has been paid the CEA nor has he received any reply on the said representations. If the applicant is entitled to CEA as per the instruction dated 13.3.2009, I do not see any justification not to sanction the same in his favour. However, Mr. Kanungo submitted that he will be satisfied if this OA is disposed of at this stage with direction to the Respondent No.1 to consider his representation with reference to the instruction dated 13.3.009. In the aforesaid circumstances, without expressing any opinion on the merit of the matter this OA is disposed of with direction to the Respondent No.1 to consider and dispose of the representation dated 2nd June, 2014 and communicate the result thereof in a well reasoned/speaking order to the applicant within a period of sixty days from the date of receipt of copy of this order. In the event on consideration of the representation it is found that the applicant is entitled to the CEA then the same may be processed and paid to the applicant, as per his entitlements/rules within a period of sixty days from the date of such order. There shall be no order as to costs.

3. As prayed for by the learned counsel for both sides copy of this order along with OA be sent to the Respondent No.1 at the cost of

[Signature]

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applicant for which learned counsel for the applicant undertakes to
furnish the postal requisite by tomorrow.


(A.K. Patnaik)
Member (Judicial)

