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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00689 OF 2014
Cuttack, this the 16th day of September, 2014

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

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Bana Bihari Das,
Aged about 73 years,
Son of late Binod Bihari Das,
Retired OS Grade-I, O/o Deputy Chief Engineer/
Con./HQ/E.Co.Railway/BBS,
Permanent resident of At/PO- Lakshannath,
PS- Jaleswar, Dist.- Balesore, Odisha.

.....Applicant

Advocate(s)... M/s. N.R. Routray, T.K. Choudhury, S.K.Mohanty

VERSUS

Union of India represented through

1. The General Manager,
East Coast Railway, E.Co.R.Sadan,
Chandrasekharpur, Bhubaneswar,
Dist-Khurda.
2. Chief Personnel Officer/
East Coast Railway, E.Co.R.Sadan,
Chandrasekharpur, Bhubaneswar,
Dist-Khurda.
3. Chief Administrative Officer/Con.
East Coast Railway, Rail Vihar,
Chandrasekharpur, Bhubaneswar, Dist-Khurda.
4. Sr. Personnel Officer/Con./Co-ordn./
East Coast Railway, Rail Vihar,
Chandrasekharpur, Bhubaneswar, Dist- Khurda.
5. Secretary,
Railway Board, Rail Bhawan,
New Delhi- 110001.

..... Respondents

Advocate(s)..... Mr. T. Rath



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

Heard Mr. N.R.Routray, Ld. Counsel for the applicant, and Mr. T.Rath, Ld. Standing Counsel for the Railways, on whom a copy of this O.A. has already been served.

2. Applicant, who has retired while working as OS Grade-I in the Respondents-department, has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 seeking for a direction to the Respondents to refund the amount of Rs. 1,64,685/-, which was recovered from his DCRG towards penal rent for retention of quarter at Cuttack. By stating that he neither occupied the quarters unauthorizedly nor any proceeding was initiated by the department for eviction of quarter and praying for release of the recovered amount, the applicant made exhaustive representation before Respondent No. 1 vide Annexure-A/22 dated 17.02.2014, copies of which have also been forwarded to Respondent Nos. 4 and 5. Mr. Routray, Ld. Counsel for the applicant, submitted that till date no response has been communicated to the applicant on his representation and his grievance may be redressed if a direction is issued to Respondent No. 1 to consider his pending representation within a stipulated period.


3. Mr. T. Rath, Ld. Standing Counsel for the Railways, submits that he has no immediate instruction so far as the pendency of the representation is concerned.

4. Since the positive case of the applicant is that his representation is still pending with Respondent No. 1, at this stage, without entering into the merit of this case, we dispose of this O.A. by directing Respondent No.1



to consider the representation under Annexure-A/22, if the same is still pending with him, and communicate the decision thereof to the applicant within a period of 60 days from the date of receipt of a copy of this order. If after such consideration, the applicant is found to be entitled to the refund of the amount as claimed by him then expeditious steps be taken within a further period of 90 days therefrom to refund the same to the applicant. No costs.

5. As agreed to by Ld. Counsel for both the sides, copy of this order, along with paper book, be sent to all the Respondents by Speed Post at the cost of the applicant for which Mr. Routray undertakes to file the postal requisites by 19.09.2014.


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

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