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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK,**

ORDER SHEET

COURT NO. : 1

16.01.2018

O.A./260/802/2014

BHASKAR SAHU
-V/S-
DEFENCE

ITEM NO:14

FOR APPLICANTS(S) Adv. : Mr. B. S. Tripathy

FOR RESPONDENTS(S) Adv.: Mr. S. K. Singh

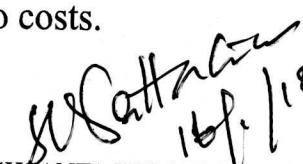
Notes of The Registry	Order of The Tribunal
	<p>Heard Ld. Counsel for both the sides.</p> <p>2. Ld. Counsel for the applicant in the present O.A. challenges the order dated 05.07.2014 (Annexure-A/5) by which the Respondents have refixed the pay of the applicant in Skilled Grade w.e.f. the date of his initial appointment but, while granting arrear dues, the said refixation has been done on notional basis and actual arrear was granted from 18 month prior to the filing of the previous O.A.No. 529/2013. The grievance of the applicant is that although other similarly situated persons/Caneman have been granted the actual arrear dues from the date of their initial appointment by virtue of order passed by different Benches of the Tribunal, the same was not extended to the present applicant.</p> <p>3. The applicant, in this O.A., has cited plethora of decisions of different Benches of CAT and further submitted that earlier a Caneman had approached the CAT, Principal Bench in O.A. No. 804/1998 (Hari Ram Shukla Vrs. UOI & Ors) and the said O.A. was disposed of on 15.09.2000. This order was challenged before the Hon'ble High Court but unilaterally the department had implemented the order of the Principal Bench on 15.09.2000. Even, it is stated that the department had approached the Hon'ble Supreme Court in S.L.P. No. 15136/2004, which was dismissed on 26.07.2004. The applicant has also relied on the subsequent decisions of the CAT, Principal Bench in O.A.No. 2697/2003 (Raj Kishore Vs. UOI) dated 05.08.2004, O.A. No. 1832/2007 (B. Lal Vs. UOI) dated 17.03.2008 and O.A.No. 3998/2010 (Abar Husain Vs. UOI) dated 11.10.2011 and the decision of the CAT, Patna Bench in R.A. No. 04/2012 (T.S.Lenka Vs. UOI) dated 31.12.2012.</p> <p>4. Since the Respondents have complied with the order and acted in case of other similarly situated employees, the O.A. is disposed of with a direction to the Respondents to consider</p>

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the grievance of the applicant in the light of judicial precedence, if the applicant is similarly placed and is entitled to pay fixation and actual benefits from the date of initial appointment, i.e. from 23.02.1988. No costs.


(DR. MRUTYUNJAY SARANGI)
MEMBER (A)


(SUSHSANTA KUMAR PATTNAIK)
MEMBER (J)

RK

