3

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No.260/00879 of 2014
Cuttack, this the 8th day of December, 2014

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

Babaji Charan Mallik,
aged about 55 years,
S/o. Late Guru Charan Mallik,
Presently working as Bindery Assistant
in Postal Printing Press, Mancheswar Industrial Estate,
Bhubaneswar-10, Dist- Khurda
Resident of At- Qtr. No. –D/D, GGP Postal Colony,
PO- GGP Colony, Rasulgarh,
Bhubaneswar, Dist- Khurda, PIN- 751025.

...Applicant

(Advocates: M/s. J.Sengupta, G. Sinha, P.P.Behera, Md. E. Uddin)

VERSUS

Union of India Represented through

1. Secretary,
   Ministry of Communication and IT,
   Department of Post, Dak Bhawan,
   Sansad Marg, New Delhi-110016.

2. Director General,
   Department of Post, Dak Bhawan,
   Sansad Marg, New Delhi.

3. Chief Post Master General,
   Orissa Circle, At/Po-Bhubaneswar, Pin-751001
   Dist-Khurda.

4. The Manager,
   Postal Printing Press, Mancheswar Industrial Estate,
   Bhubaneswar-10, Dist- Khurda.

...Respondents

(Advocate: Mr. P.R.J.Dash)

...

O R D E R (ORAL)

R.C.MISRA, MEMBER (A):
Heard Mr. J. Sengupta, Learned Counsel for the Applicant, and Mr.

P.R.J.Dash, Ld. Addl. CGSC appearing for the Respondents, on whom a copy
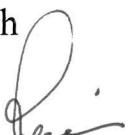
of this O.A. has already been served, and perused the materials placed on record.

2.   This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 in which the applicant has alleged inaction of the Respondents in non-implementing the recommendation of the 5th Pay Commission so far as the scale of pay of Bindery Assistant, which includes the erstwhile Binder Grade-II and Bindery Assistant, is concerned. Mr. Sengupta, Ld. Counsel for the applicant, submitted that after the pay scales were revised, due to inaction of the Respondents some of the similarly placed employees had approached this Tribunal in O.A. No. 361/1999, which was dismissed by this Tribunal. Being aggrieved by such dismissal order, they approached the Hon'ble High Court of Orissa in O.J.C. No. 5485/2001, which was allowed by the Hon'ble High Court by directing the Respondents to revise the pay scales of the applicants/petitioners of that Original Application and Writ Petition in accordance with the recommendations of the 5th Pay Commission. Mr. Sengupta submitted that the applicant has also made representation on 27.01.2014 vide Annexure-A/8 addressed to Respondent Nos. 2, 3 and 4 praying to extend him the similar benefits as per Order No. 5 dated 20.11.2013 passed by the Hon'ble High Court of Orissa in O.J.C.No. 5485/2001 but till date no reply has been received by the applicant from those authorities.

3.   Mr. P.R.J.Dash, Ld. ACGSC, submits that he has no immediate instruction if any such representation has been filed by the applicant and, if so, the status thereof.

4.   In view of the aforesaid facts and positive case of the applicant that his representation is still pending with the authorities, at this stage, without entering into the merit of this case, we dispose of this O.A. by directing Respondent Nos.2, 3 and 4 to consider the representation vide Annexure - A/8, if any such

representation has been preferred and is pending, keeping in mind the position of the applicant vis-à-vis of the petitioner in O.J.C.No. 5485/2001 as well as the order passed by the Hon'ble High Court of Orissa in the said O.J.C. and communicate the result thereof by way of a reasoned and speaking order 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 such benefits as extended to similarly placed persons then expeditious steps be taken within a period of 90 days from the date of the consideration.

5.   On the prayer made by Ld. Counsel for the applicant, copy of this order, along with paper book, be sent to Respondent Nos.2, 3 and 4 by Speed Post at the cost of the applicant for which Mr. Sengupta undertakes to file the postal requisites by 10.12.2014.

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