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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. NO.260/000092 OF 2014
Cuttack, this the 26th day of February, 2014

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

Chelagamasetty Syamala Rao,
aged about 58 years,
S/o. Late Ch. Ranga Rao,
Retired DOS, Level-II,
United Bank of India Campus,
Main Road, Jeypore,
Koraput, Odisha.

.....Applicant

Address for correspondence

C/o Surya Narayan Patnaik, Advocate,
Plot No.8, Rajarani Colony,
Tankapani Road, Bhubaneswar-2.

Advocate(s)-M/s- S. Patnaik, S.N. Patnaik

VERSUS

Union of India represented through

1. Secretary,
Ministry of Finance,
Department of Revenue,
North Block, New Delhi.
2. Chief Commissioner,
Central Excise, Custom and Sales Tax,
Bhubaneswar, Central Revenue Building, Odisha.
3. Pay & Accounts Officer,
Central Excise, Custom and Sales Tax,
Bhubaneswar, Central Revenue Building, Odisha.
4. Superintendent (Vigilance),
Central Excise, Custom and Sales Tax,
Bhubaneswar, Central Revenue Building, Odisha.

..... Respondents

Advocate(s)..... Mr. S. Barik

Barik

ORDER (ORAL)

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

Copy of this O.A. has been served on Mr. S.Barik, Ld. Addl. Central Govt. Standing Counsel 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 transmission. Heard Mr. S.Pattnaik, Learned Counsel for the Applicant, and Mr. S.Barik, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, and perused the materials placed on record.

2. The Applicant, who while continuing as DOS Level-II under the administrative control of the Respondents retired on attaining the age of superannuation w.e.f. 30.11.2012, has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 praying for a direction to the Respondents to release the pension and pensionary benefits within a stipulated period by declaring the letter issued by Respondent No.4 dtd. 08.04.2013 as at Annexure-A/2 illegal and void-ab initio and further to direct the Respondents to refund the illegally deducted money from his gratuity. Mr. Pattnaik, Ld. Counsel for the applicant, submitted that ventilating his grievance the applicant made representation on 09.04.2013 to Respondent No.2 vide Annexure-A/4 and, thereafter also, the applicant has made successive representations and the last representation being Annexure-A/9 dated 20.05.2013 but the same have not yet been considered and are still pending.

3. On the other hand, Mr. S.Barik, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, submitted that at this stage he has no immediate instruction if any such representations have been



preferred by the applicant addressed to Respondent No. 2 and, if so, the status thereof.

4. Since it is the positive case of the applicant that the representations preferred by him are still pending, without entering into the merit of this case, we dispose of this O.A. at the stage of admission itself by directing Respondent No. 2 to consider the representations made under Annexures-A/4 and A/9, if the same are still pending, and dispose of the same by way of a well reasoned order and communicate the result thereof to the applicant within a period of 60 days from the date of receipt of copy of this order. If after such consideration the applicant is found to be eligible/ entitled to benefits claimed by him then expeditious steps be taken within a further period of two months thereafter to pay the same to the applicant. However, we make it clear that if in the meantime said representations have already been disposed of then the result thereof be communicated to the applicants within a period of two weeks from the date of receipt of copy of this order. No costs.

5. Copy of this order be transmitted to Respondent No. 2 by Speed Post at the cost of the applicant, for which Mr. Patnaik, Ld. Counsel for the applicant, undertakes to file the postal requisites by 04.03.2014.


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


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