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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No.260/001047 of 2014
Cuttack, this the 19th day of January, 2015

CORAM

**HON'BLE MR. A.K. PATNAIK, MEMBER (Judl.)
HON'BLE MR. R. C. MISRA, MEMBER (Admn.)**

....

Rabindra Kumar Mallick,
aged about 47 years,
Son of Late Krushna Chandra Mallick,
At – Kotapur, PO- Sanakuanl, Dist.- Jajpur,
At present working as Sr. D.T.I.,
Khurda Road Railway Station,
Jatni, Khurda.

...Applicant

(Advocates: Mr. D.K.Mohanty)

VERSUS

Union of India Represented through

1. General Manager,
East Coast Railway, Samant Vihar,
Rail Vihar, Chandrasekharpur,
Bhubaneswar.
2. Divisional Railway Manager,
East Coast Railway,
Khurda Road, At/PO- Jatni,
Khurda-752150.
3. Senior Divisional Personnel Officer,
East Coast Railway,
Khurda Road, At/PO- Jatni, Khurda - 752150.
4. L.V.S.S. Patrudu,
Senior Divisional Personal Officer,
East Coast Railway,
Khurda Road, At/PO- Jatni, Khurda - 752150.
5. Senior Divisional Finance Manager,
East Coast Railway,
Khurda Road, At/PO- Jatni, Khurda - 752150.

...Respondents

(Advocate: Mr. T.Rath)

W. Alles...

O R D E R (ORAL)

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

Heard Mr. D.K.Mohanty, Learned Counsel for the Applicant, and Mr. T. Rath, Ld. Standing Counsel appearing for the Railways, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. The applicant, who is at present working as Sr. DTI, Khurda Road Station, has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985, with the following relief:

- “(i) To quash the order dated 17.10.2014 under Annexure-A/14
- (ii) To direct the Respondents to release his arrear claims such as OT & DA etc. to the applicant in view of the Railway Boards instruction.
- (iii) To pass any other/orders....”

3. Mr. Mohanty, Ld. Counsel for the applicant, submitted that claiming Over Time and other allowances, the applicant had initially filed O.A. No. 74/2010 before this Tribunal, which was disposed of with direction to the Respondents to consider his representation taking into consideration Rule 1420(2) of IREC. Respondents vide order dated 21.04.2010 rejected the applicant's claim. Challenging the said rejection order, applicant again filed O.A.No. 907/2011 before this Tribunal. Vide order dated 22.08.2014, this Tribunal quashed the order of rejection dated 21.04.2010 and remitted the matter back to the Respondents to reconsider the case of the applicant by making the analysis of the provision cited by the applicant and the Rule 1420(2) and the allegation of the applicant that the benefit in question has been paid to similarly situated employees. Mr. Mohanty submitted that the Respondents have again rejected the applicant's claim vide order dated 17.10.2014 without considering his case as per Rule 1420(2) for which



applicant made representations to Respondent Nos. 2 and 3 vide Annexure-A/15 series, which are still pending.

4. Mr. T. Rath, Ld. Standing Counsel for the Railways, submits that after the order of rejection made on 17.10.2014, the applicant, by way of two successive representations dated 29.10.2014 and 30.10.2014 have approached the authorities and, therefore, it can be construed that he is pursuing his claim before the authorities.

5. Having heard Ld. Counsel for both the sides and after considering the fact that the representation dated 29.10.2014 of the applicant is pending with Respondent No. 3, without entering into the merit of the matter, we dispose of this OA, at this admission stage with a direction to the Respondent No. 3 to consider and dispose of representation dated 29.10.2014 as at Annexure-A/15 series by a reasoned and speaking order and communicate the same to the applicant within a period of 60 days from the date of receipt of copy of this order. We make it clear that if after such consideration the applicant is found to be entitled to the claim made by him then expeditious steps be taken within a further period of 90 days from the date of such consideration to release the same. No costs.

6. On the prayer made by Mr. Mohanty, Ld. Counsel for the applicant, copy of this order, along with paper book, be sent to Respondent No. 3 by Speed Post at the cost of the applicant for which he undertakes to file the postal requisites by 21.01.2015.


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


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