

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O.A. No. 260/00706 of 2016

Cuttack this the 6th Day of January, 2017

CORAM

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

Smt. Tunamani Biswal, aged about 62 years, W/o. Hemanta Kumar Biswal, Ex-Safaiwali, INS Chilika, At- Brajarajpur, PO- Naval Base, Chilka, Dist. Khurda, Odisha-752037.

..... Applicant.

By the Advocate(s)-M/s. S.R. Nayak, A.N. Samantray, G.B. Singh.

-VERSUS-

Union of India, represented through

1. The Secretary to the Govt. of India, Ministry of Defence, R.K. Puram, New Delhi-110001.
2. The Chief of Naval Staff, Naval Head Quarters, Director of Civilian Personal Sena Bhawan, Room No.100, D-11 Wing, New Delhi-110001.
3. Flag Officer Commanding-in-Chief, Eastern Naval Command Visakhapatnam, Mukhyalya, Poorv Nausena Kaman, Nausena Base, Dist. Visakhapatnam, Andhrapradesh-530014.
4. Commanding Officer, I.N.S. Chilika, P.O. Naval Base, Dist: Khurda, Odisha-752037.

.....Respondents

By the Advocate(s)- Mr. M.R. Mohanty.

ORDER(Oral)

R.C. MISRA, MEMBER(A):

Heard Mr. S. R. Nayak, Ld. Counsel appearing for the applicant and Mr. M.R. Mohanty, Ld. ACGSC appearing for the Respondents on whom a copy of this O.A. has already been served and perused the materials placed on record.

2. The submission made by the Ld. counsel is that the applicant was appointed as Safaiwali on temporary (casual) basis on 01.02.1984 in the office of Commanding Officer, INHS, Nivarini, Chilika and her services were regularized w.e.f. 22.11.1991. The applicant has already retired on attaining

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the age of superannuation on 28.02.2014. Grievance of the applicant is that her case has not been taken into account for grant of benefits under the ACP or MACP Scheme, as the case may be, during her entire service career. Applicant has mentioned that whereas other similarly situated employees of the organization were considered and granted the benefits under the Scheme she has been singled out and thus discriminated against. Being aggrieved the applicant has submitted a representation dated 10.07.2015 (Annexure-A/2) before the Commanding Officer, INHS, Nivardini, Chilika making a prayer for conferment of financial benefits under ACP/MACP in her favour. It reveals from the record that the aforesaid representation dated 10.07.2015 (Annexure-A/2) has been forwarded to the Flag Officer Commanding-in-Chief, Headquarters, Eastern Naval Command Visakhapatnam (Respondent No.3). Since the representation as aforesaid has been forwarded vide letter dated 17.08.2015 (Annexure-A/3) which is stated to have been pending, I am not inclined to issue notice to the respondents at this stage requiring them to file counter. It is to be noted that when a representation has been made and apparently is still pending with the concerned authorities, it is incumbent upon them to take a view on this matter and communicate a decision to the applicant expeditiously.

3. In view of the facts and circumstances stated above, without going into the merit of the matter, I dispose of this O.A. at this admission stage by directing Respondent No.3 to consider the aforesaid representation dated 10.07.2015 (Annexure-A/2), if at all filed and is still pending consideration, in the light of the extant rules and instructions on the subject and communicate the result thereof to the applicant by way of a well-reasoned

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order within a period of two months from the date of receipt of a copy of this order. If after consideration the benefits as claimed by the applicant is found to be due and admissible, the same be granted in her favour within a further period of two months from the date of communication of the decision.

4. With the aforesaid observation and direction, this O.A. is disposed of at the stage of admission itself. No costs.

5. On the prayer made by Mr. S. R. Nayak, Ld. Counsel appearing for the applicant, copy of this order along with paper book be communicated to the Respondent Nos.3 & 4 by Speed Post at the cost of the applicant, for which Mr. S. R. Nayak undertakes to file the postal requisites by 09.01.2017.

(R.C.MISRA)
MEMBER(A)

K.B.