

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O.A. No. 260/00035 of 2017

Cuttack this the 25th Day of January, 2017

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

.....
Gobinda @ Gobinda Swain, aged about 68 years, S/o. Late Mania, retired Head Trackman/Engineering/KUR permanent resident of Vill./P.O.- Kendupada, P.S.-Bhadrak, Dist.-Bhadrak, Odisha.

..... Applicant.

By the Advocate(s)-M/s. N.R. Routray, J. Pradhan, S.K. Mohanty, T.K. Choudhury

-VERSUS-

Union of India, represented through

- 1.General Manager, E.Co. Rly., E.Co.R. Sadan, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
- 2.Senior Divisional Personnel Officer, East Coast Railway, Khurda Road Division, At/P.O.-Jatni, dist. Khurda.
- 3.Senior D.E.N./Co-ordination, East coast Railway,Khurda Road Division, At/P.O.-Jatni, dist. Khurda.
- 4.Senior Divisional Financial Manager, East Coast Railway, Khurda Road Division, At/P.O.-Jatni, dist. Khurda.

..... Respondents

By the Advocate(s)- Mr. T. Rath.

ORDER(Oral)

R.C. MISRA, MEMBER(A):

Heard Mr. N.R. Routray, Ld. Counsel appearing for the applicant and Mr. T. Rath, Ld. Standing Counsel appearing for the Respondents-Railways on whom a copy of this O.A. has already been served and perused the materials placed on record.

2. Mr. Routray submitted that the applicant is a person of 68 years of age and has retired as Head Trackman under East Coast Railways in the year 2008. The grievance with which he has approached this Tribunal is that the Respondents have not revised his pay in PB-1 of Rs.5200-20200/- with GP of Rs.1800/-w.e.f., 01.01.2006 as per the recommendation made by the 6th Pay Commission. Therefore he is entitled to receive the differential financial benefits and other retiral benefits. Mr. Routray further submitted that in the meantime, all the retired employees have already been granted their pay

revision benefits whereas the applicant has been discriminated. Being aggrieved the applicant has made representation dated 22.08.2016 (Annexure-A/3) before the Senior Divisional Personnel Officer, East Coast Railway, Khurda Road Division (Respondent No.2) and it is stated that the representation is still pending before the concerned authority for disposal.

3. It is noticed that although the applicant has retired in the year 2008, but, he did not agitate the matter before the Respondents-Department. However, since the matter relates to revision of pay and differential financial benefits and other retiral benefits as per the recommendation made by the 6th Pay Commission, the Respondents should make suo motu revision of all his dues in his case. Therefore, the delay in filing of this O.A. shall not create any bottleneck for the applicant for consideration of his case.

4. Therefore, at this stage of admission, since I find a representation dated 22.08.2016 (Annexure-A/3) made before the Senior Divisional Personnel Officer, East Coast Railway, Khurda Road Division (Respondent No.2) which is stated to be pending, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No.2 to consider and dispose of the aforesaid representation of the applicant if filed and is still pending consideration at his level and communicate the result thereof to the applicant by way of a reasoned and speaking order within a period of 90 days from today. After consideration, if it is found that the applicant is entitled to the revision of pay and differential financial benefits and other retiral benefits as per the recommendation made by the 6th Pay Commission the consequential benefits be conferred to the applicant within another three months after passing of the speaking order.

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

6. On the prayer made by Mr. N.R. Routray, Ld. Counsel appearing for the applicant, copy of this order along with paper book be communicated to the Respondent Nos.2 & 3 by Speed Post at the cost of the applicant, for which Mr. Routrayh undertakes to file the postal requisites by 30.01.2017.

(R.C.MISRA)

MEMBER(A)

K.B.