

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. No. 260/00072 OF 2017
Cuttack, this the 09th day of March, 2017

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

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Mahendra Kumar Swain, aged about 50 years, S/o. Late Trilochan Swain, presently working as Bindery Assistant in Postal Printing Press, Mancheswar Industrial Estate, Bhubaneswar-10, Dist-Khurda, Resident of, At-GGP Postal Colony, Qtr. No.TIA/43, At- Old AG Colony, Type-II, 53, Unit-4, Bhubaneswar, Dist-Khurda.

...Applicant

(By the Advocate-M/s. P. P. Behera, R. Pradhan, K. Khuntia)

-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

By the Advocate- Mr. A.C. Deo

ORDER(Oral)

R.C. MISRA, MEMBER(A):

Heard Mr. K. Khuntia, Ld. Counsel appearing for the applicant and Mr. A.C. Deo, 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. Mr. Khuntia submitted that applicant who is working as Bindery Asst. has been aggrieved by the inaction of the Department to pay him the salary arrears w.e.f. 01.01.1996 the date from which his scale of pay has been revised upward to Rs.4000-6000/- as per the recommendation of the 5th Pay Commission. The revision of pay was done under the orders of the Hon'ble

High Court of Orissa. In this regard the operative part of the order dated 20.11.2013 of the Hon'ble High Court is quoted below:-

“No doubt, as per 5th Pay Commission, the scale of pay of Rs.950-1500/- was revised to Rs.4000-6000/- mentioning that the same relates to Binder Grade-II, when such a post did not exist. However, in view of amalgamation of the posts of Binder Grade-II and Bindery Assistants into one class with a scale of pay of Rs.950-1500/-, it is inevitable that after revision of the scale pursuant to 5th Pay Commission, such scale of pay is required to be revised to Rs.4000-6000/-. We, therefore, set aside the order of the Tribunal as at Annexure-1 and direct the opposite parties to revise the scale of pay of the petitioner as Rs.4000-6000/- from the date when the revisions, according to 5th Pay commission, were made applicable to the other categories of the employees and pay the arrear amount to the petitioners within a period of six months from the date of communication of this order. The current salary shall be paid as per such revised scale of pay with accumulated increments.”

3. This order of the Hon'ble High Court has already been confirmed after a review petition was also rejected. Then the Hon'ble Apex Court has also dismissed the Special Leave Petition filed by the Respondents. Thereafter, the applicant had also approached this Tribunal and the Tribunal had directed the Department to confer the benefit to the applicant in accordance with the orders of the Hon'ble High Court which was upheld by the Hon'ble Apex Court. In consideration of all, the scale of pay has been fixed w.e.f. 01.01.1996. The Ld. Counsel for the applicant however, strongly argued that the arrears accrued from the date have not been paid to the applicant which is his present grievance. It is also brought to my notice that the applicant has also filed representation dated 27.10.2015 (Annexure-A/9) addressed to the Respondent No.4 which is said to be pending consideration.

4. Therefore, at this stage, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No.4 to consider 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 well-reasoned order within a period of eight weeks from today. After consideration, if some financial benefits are to be given to the applicant the same may be given to him within another eight weeks after passing of the speaking order.

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. K. Khuntia, Ld. Counsel appearing for the applicant, copy of this order along with paper book be communicated to the Respondent Nos.2, 3 & 4 by Speed Post at the cost of the applicant, for which Mr. Khuntia undertakes to file the postal requisites by 10.03.2017.

(R.C.MISRA)
MEMBER(A)

K.B.