

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCHCIRCUIT BENCH AT RANCHIOA/051/00165/2018Date of Order :- 14.09.2018C O R A M

HON'BLE MR. A.K.PATTNAIK, MEMBER (JUDL.)
HON'BLE MR. PRADEEP KUMAR, MEMBER (ADMN.)

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Johuri Lal Sahu, aged about 76 years, son of Late V.R.Sahu, Retired Goods Guard, Optg/BNDM, resident of Bogadabasti, near Gyanodaya School, PO & PS-Bondamunda, Distt.-Sundergarh-770 032.

.....Applicant.

By Advocate:- Mrs. Ruby Pandey.

Vs.

1. Union of India through the General Manager, South Eastern Railway, Garden Reach, Kolkata-43.
2. Divisional Railway Manager, S.E.Railway, CKP Division, Chakradharpur, PO & PS-, Chakradharpur, Distt.-Singhbhum (West)-833 102.
3. Sr. Divisional Personnel officer, S.E.Railway, CKP Division, Chakradharpur, PO & PS-Chakradharpur, Distt.-Singhbhum (West)-833 102.
4. Sr. Divisional Personnel Officer, P-1 (Settlement) DPO Office/CKP, Chakradharpur, PO & PS-Chakradharpur, Distt.-Singhbhum (West)-833 102.Respondents.

By Advocate:- Mr. Prabhat Kumar, Standing Counsel.

O R D E R (ORAL)

A.K.Pattnaik, Member (Judl.) :- Through this application the applicant has prayed for a direction upon the respondents to give him due promotions retrospectively on the basis of his seniority in terms of the Award dated 17.06.1993 followed by order dated 16.04.2014 (Anenxures-A/1 & A/2 retrospectively). Prayer has also been made for

consequential benefits pursuant to retrospective promotions and not to discriminate the applicant with the similarly situated persons.

By way of abundant precaution, the applicant has filed a Misc. Application, bearing No. MA/051/00157/2018, for condonation of delay in filing the instant OA.

2. On being questioned, the learned counsel for the applicant submitted that pursuant to Award dated 17.06.1993 in Industrial Dispute Case No.20 of 1989, followed by Hon'ble High Court, Cuttack's order dated 25.04.2013 in Writ Petition No.23562 of 2012, the respondents were required to take needful action for payment of difference of settlement dues in favour of applicant but even after filing repeated representations to the concerned authorities viz. representations dated 05.05.2015, 11.02.2016, 22.12.2016, and finally on 29.12.2017, the respondents have not taken any action so far for settlement of dues in favour of applicant even after determination of his seniority vide order dated 16.04.2014. Learned counsel for the applicant fairly submitted that he would be satisfied if a direction is given to the concerned respondent to consider his pending representations, along with this OA treating it as part of representations, and to pass speaking and reasoned order within the stipulated period.

3. In view of above, we dispose of this OA without entering into the merits of the case with direction to respondent no.4 (Sr. Divisional Personnel Officer, South Eastern Railway, Chakradharpur) that if such representations have been preferred by the applicant

and the same are still pending consideration, then the same may be considered, along with the OA treating it as part of the representation. After such consideration if the applicant's grievance is found to be genuine then the respondent no.4 is directed to consider his case of pay fixation and pass a reasoned and speaking order within a period of six weeks from the date of receipt of this order.

4. With the aforesaid observation and directions, the OA stands disposed of.

Sd/-
(Pradeep Kumar)M(A)

Sd/-
(A.K.Pattnaik)/M(J)

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