

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK,**

ORDER SHEET

COURT NO. : 1

17/05/2019

O.A./260/314/2019

PARSHURAM BHUYAN

-V/S-

M/O RAILWAYS

ITEM NO: 47

FOR APPLICANTS(S) Adv. : Mr.C.Jena

FOR RESPONDENTS(S) Adv.: Mr.T.Rath

Notes of The Registry	Order of The Tribunal
	<p>Heard learned counsel for both sides. Mr.T.Rath submits that this OA is not maintainable as the applicant has not exhausted the departmental remedy but approached this Tribunal by filing representation vide annexure-A/4 dated 13.05.2019. In support of the same, he has cited the decision of the Hon'ble Apex Court in the case reported in the case of S.S.Rathore vs State of MP, AIR 1990 SC 10 and also filed copy of order of this Bench dated 10.05.2018 in OA No. 84 of 2018 (P.S.Rao v M/o. Railways). To counter the said submission, applicant's counsel submits that this is an extra ordinary situation as the applicant is going to retire on 31.05.2019 and the order of recovery is passed in the month of April, 2019 by which the pay fixation was found wrong. Ld. Counsel for the respondents submitted that no order of recovery has been passed.</p>

In view of the above and taking into account the provision under section 20 of the A.T. Act, 1985 we are of the considered opinion that this OA can be considered even though the representation of the applicant is pending. Without expressing any opinion on the merit of the matter, this OA is disposed of with direction to Respondents to consider and dispose of the representation of the applicant dated 13.05.2019 under Annexure-A/4, if it is pending and communicate the decision in a well reasoned order to the applicant within a period of 02 (two) months from the date of receipt of a copy of this order. Till a final decision is taken on the representation of the applicant as directed above, the respondents are directed not to recover any amount from the applicant's retiral dues. No costs.

Copy of this order be given to learned counsel for both sides.

Applicant's is at liberty to send copy of this order along with copy of representation to Respondent No.4.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)

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