



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.29267 of 2025

Sisir Kumar Das

....

Petitioner

*Mr. Prasanta Kumar Mishra,
Advocate*

-versus-

Union of India & others

....

Opp. Parties

*Mr. P.K. Parhi, DSGI &
Mr. S.K. Samantaray, C.G.C.*

CORAM:

**THE HON'BLE MR. JUSTICE S.K. SAHOO
THE HON'BLE MR. JUSTICE S.S. MISHRA**

ORDER

22.10.2025

Order No.

02. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

The petitioner has filed this writ petition challenging the order dated 28.03.2025 passed by the learned Central Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.260/00733 of 2022 in dismissing the Original Application filed by the petitioner.

It appears that the Original Application was filed with the following prayer:

"a) An order quashing and/or setting aside the ED' letter No.F. No.-A-11/01/BBSR/2016/SKD/2016



dated 27.12.2021 to the applicant's Bank regarding recovery of excess salary etc. since such recovery was not permissible in law as per DoP&T's OM bearing F. No.18/03/2015-Estt. (Pay-I) dated 02.03.2016 and a direction to ED to withdraw the letter from the Bank being null and void within a month of such order and direction.

b) An order directing the ED to recalculate afresh the employer's contributions towards applicant's CPF, Gratuity and Leave Salary for the deputation period based on the actual pay drawn and not on the initial pay of Rs.88,400/- wrongly refixed after his repatriation and to pay to the Bank within one month of such order along with interest payable from time to time on the employer's monthly contributions of PF and also the interest on the total PF contribution up to the date of its actual payment. Employer's contribution to applicant's CPF was required to be paid by the ED to his Bank every month. ED's contributions towards his Gratuity and Leave Salary was supposed to have been paid to his Bank after every year and not after more than two and a half years of his repatriation.

c) An order directing the ED to pay to the applicant, as per his application dated 28.12.2017, his 30 days' Privilege Leave encashment and LTC encashment for the 4-year LTC span ending on 29.12.2017 according to Bank's provision and payable in terms of the conditions of DoP&T's OM No.6/8/2009-Estt. (Pay II) dated 17.06.2010 and to pay quarterly compounding interest @ 10% per annum on the amounts so payable for the period reasonably from 15.01.2018 till the date of its actual payment, which should be made within one month of such order.

d) An order directing the ED to comply with Bank's letter No.HO:HR:SSS:RDG:73 dated 08.03.2022 and refix the applicant's pay w.e.f. 01.11.2017 based on his revised notional pay particulars as on 01.11.2017 provided therewith as per Bank's Revised Pay effective from that date and to accordingly pay arrears of salary and arrears of employer's contributions to CPF, Gratuity and Leave



Salary contributions with quarterly compoundable interest @ 10% per annum on the amount of salary arrears reasonably for the period from 01.04.2022 and the applicable PF interest on the arrears of contribution to CPF till the date of actual payment, which should be made within one month of the order.

e) An order directing the respondents to grant all consequential benefits to the applicant and provide details of all payments made.

f) An order directing the respondents to produce/cause production of all relevant records.

g) Any other order or further order(s) this Hon'ble Tribunal may find fit and proper."

The opposite parties filed the counter affidavit and the petitioner filed the rejoinder to the said counter affidavit.

The learned Central Administrative Tribunal has been pleased to take note of the letter dated 01.10.2020 of the Ministry of Finance wherein it was clarified that the Special Allowance is not paid and hence the petitioner is not entitled to get his pay fixation taking into account the Special Allowance. It has been further stated that the petitioner has opted to draw the scale of pay of the scale of Deputy Director, where no Special Allowance is admissible and no specific provision has been brought to substantiate the stand of the petitioner that, in case of deputation, the Special Pay/Allowance granted in the parent



organization shall be taken into account while fixing it on the deputation post.

Learned counsel for the petitioner submits that while the petitioner was working as Chief Manager (Investigation), the Bank of India, Ranchi the pay component would show his basic pay , D.A , the Special Allowance and also the D.A. on the Special Allowance, which comes to Rs.92,814.06. Learned counsel further submits that the Special Allowance with its D.A was the component of the salary.

However, the learned Tribunal has erroneously held that Special allowance is not a component of pay accordingly, there was no infirmity in the decision of the opposite parties in not taking the Special Pay and D.A. while fixing his pay on deputation basis.

Several other grounds have been taken in the writ petition to challenge the impugned order passed by the learned Central Administrative Tribunal.

Issue notice on the question of admission indicating therein that the matter shall be disposed of at the stage of admission.

Mr. S.K. Samantaray, learned C.G.C. has instruction to appear on behalf of all the opposite parties. Extra copies of the writ petition have been served on the learned counsel for the opposite parties.



List this matter in the week commencing from 24.11.2025. Counter affidavit, if any, be filed in the meantime.

(S.K. Sahoo)
Judge

(S.S. Mishra)
Judge

Subhasis

Signature Not Verified

Digitally Signed
Signed by: SUBHASIS MOHANTY
Designation: Personal Assistant
Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 22-Oct-2025 18:32:11

