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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A. No. 390 of 2007
Cuttack, this the 23rd day of October, 2007

Amiya Kumar Naik Applicant.
Vrs.
Union of India & Ors. Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not?
2. Whether it be circulated to all the Benches of CAT?

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(M.R. MOHANTY)
VICE-CHAIRMAN

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CORAM:

THE HON'BLE SHRI M.R. MOHANTY, VICE-CHAIRMAN

Shri Amiya Kuamr Naik, aged about 37 years, son of Alekh Charan Nayak, At: Darada, Po/Via: Borikina, District-Jagatsinghpur.

.....Applicant.

By Legal practitioner : M/s.B.R.Sarangi, L.Bhuyan, Advocates.

-Versus-

1. Chief Commissioner of Income Tax, Government of India, Wayakar Bhawan, Rajaswavihar, Bhubaneswar, Dist. Khurda.
2. Assistant Commissioner of Income Tax, Headquarters (Administration), Wayakar Bhawan, Rajaswavihar, Bhubaneswar, Dist. Khurda.
3. Commissioner of Income Tax (Appeals), Cuttack, Stoney Road, Po: Chandinichouk, Cuttack.

....Respondents

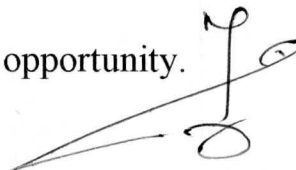
By Legal Practitioner : Mr. B.Dash, ASC.

O R D E R (ORAL)

MR. M.R. MOHANTY, VICE-CHAIRMAN:

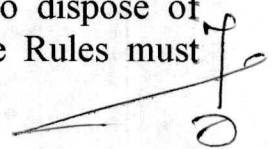
Heard Mr. B.R. Sarangi, Learned Counsel for the Applicant and Mr. B. Dash, Learned Additional Standing Counsel for the Union of India; on whom a copy of this OA has already been served.

2. It appears that no-sooner the voluntary retirement application of the father of the applicant was accepted under Annexure-A/4 dated 18/13th September, 1998, the father of applicant submitted an application on 2.11.1998 (followed by reminders dated 03.08.2000 and 07.05.2004 and 05.01.2006) requesting extension of the benefits of compassionate appointment in favour of his son. It is the specific case of the Applicant that till date no final decision has been taken (by the Respondents) on the representations submitted to them (Respondents) with prayer to provide an employment on compassionate ground; although, as per the scheme, request of compassionate appointment needs consideration at the earliest opportunity.



3. After giving thorough consideration to the various submissions made by the parties and after going through the materials placed on record, I am of the view that since the grievance of Applicant is stated to be still pending with the Respondents, ends of justice would be met if this OA is disposed of (at this admission stage), calling upon the Respondents to take a view on the long pending grievance of applicant (for providing an employment on compassionate ground) within a stipulated period; as non-consideration of the grievances made through representation, by the executives, at the earliest opportunity has been deprecated by the Hon'ble Apex Court time and again and one such decisions is in the case of S.S.Rathore v. State of Madhya Pradesh, (reported in AIR 1990 SC 10) wherein Their Lordships have observed as under:-

“.....Redressal of grievances in the hands of the departmental authorities takes an unduly long time. That is so on account of the fact that no attention is ordinarily bestowed over these matters and they are not considered to be governmental business of substance. This approach has to be deprecated and authorities on whom power is vested to dispose of appeals and revisions under the Service Rules must



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dispose of such matters as expeditiously as possible. Ordinarily, a period of three to six months should be the outer limit. That would discipline the system and keep the public servant away from a protracted period of litigation." (emphasis supplied)

4. In the light of the discussions made above, without expressing any opinion on the merit of the matter, this OA is hereby disposed of, at this admission stage, with direction to the Respondents to give due consideration to the pending grievance of the Applicant (for providing an employment on compassionate ground) within a period of 120 days from the date of receipt of a copy of this order and communicate the result thereof to him.

5. Send copies of this order to the Applicant and to the Respondents (along with copies of the OA) in the address given in the OA and free copies of this order also be given to Learned Counsel for both sides.

23/10/07
(M.R. MOHANTY)
VICE-CHAIRMAN