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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A. No. 393 of 2007
Cuttack, this the 23rd day of October, 2007

Makara Murmu Applicant.
Vrs.
Union of India & Ors. Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not? No
2. Whether it be circulated to all the Benches of CAT? No

(M.R.MOHANTY)
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A. No. 393 of 2007
Cuttack, this the 22nd day of October, 2007

CORAM:

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

Makara Murmu, Aged about 24 years,
Son of Fulla Murmu, At-Sukhilakhali,
Po. Bhaduasole, Dist. Mayurbhanj
(Orissa).

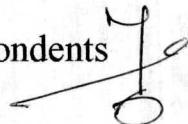
.....Applicant.

By the Advocates : M/s. P.K.Chand, D.Satpathy, J.Mohanty,

-Versus-

1. Union of India represented through the General Manager, East Coast Railway, Chandrasekharpur, Bhubaneswar, Dist. Khurda.
2. The Chief Administrative Officer (Con.), East Coast Railway, Chandrasekharpur, Bhubaneswar, Dist. Khurda.
3. The Divisonal Railway Manager (P), East Coast Railway, Khurda Road, Jatni, Dist. Khurda.
4. The Chief Personnel Officer, E. Co. Railway, Rail ihar, Chandrasekharpur, Bhubaneswar, Dist. Khurda.
5. Senior Personnel Officer (Con.), Co-ordination, E.Co. Railways, Rail Bihar, Chandraekharpur, Bhubaneswar, Dist. Khurda.

.....Respondents



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By the Advocates: Mr. S.K.Ojha, SC for Railways.

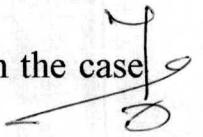
ORAL - ORDER

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

The grievance of the Applicant, in the present Original Application filed under section 19 of the Administrative Tribunals Act, 1985, is that his mother Fulla was working as Khalasi in the Railways; his mother's income was the only source of the family consisting of four members; that she died prematurely on 12.04.2001; that the Senior Personnel Officer (Con.) of E.Co. Railways (vide letter dated 27.06.2005 at Annexure-A/4) called upon the father of the Applicant to be present (along with the present Applicant) with all documents in his office on 14.07.2005 for processing of the grievance (for providing an employment on compassionate ground) and that under Annexure-A/6 dated 01.12.2005 the Senior Personnel Officer (Con.) of E.Co. Railways, Bhubaneswar forwarded the documents (with his comments) to the Divisional Railway Manager (P) of Khurda

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Road Division of E.Co. Railways, requesting for an early decision on the grievance of the Applicant; that thereafter, as required by the Railways, the Applicant had also submitted necessary declarations/undertakings under Annexure-A/7 to the OA. It is the case of the Applicant that despite fulfillment of all the requirements, since there was no response, he, (by way of making representation) sought for intervention of the General Manager of E. Co. Railways, Chandrasekharpur, Bhubaneswar (Respondent No.1) and that due to non-consideration of his case for providing him with an employment on compassionate ground, the family members of the deceased Railway Servant are still continuing in distress/indigent condition. Hence, he has sought for direction from this Tribunal (to the Respondents) to provide him an employment on compassionate ground within a stipulated period.

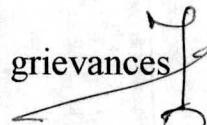
2. Non-consideration/Delay in giving consideration of the grievances, by the executives, has been deprecated by the Hon'ble Apex Court, time and again, and it would suffice to quote one such decision of the Hon'ble Apex Court rendered in the case 

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 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.**”

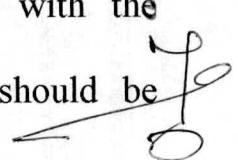
(emphasis supplied)

3. Heard Mr. Chand, Learned Counsel appearing for the Applicant and Mr. S.K.Ojha, Learned Standing Counsel for the Respondents; on whom a copy of this Original Application has already been served and perused the materials placed on record. Learned Counsel for the Respondents has sought for time to take instruction and file counter but I do not think that issuing notice/ by allowing Respondents to come with a counter/reply would render substantial justice to the Applicant; especially when the grievances



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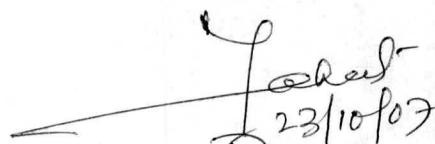
of the Applicant are stated to be still under consideration of the Respondents since 2005 and, in case this Original Application is disposed of at this stage with direction to the Respondents to take a final view independently on the pending grievance of the Applicant, that would in no way violate the principles of natural justice so far as the Respondents are concerned. The consistent views of the Courts/Tribunals are that citizens have a right to know the fate of their grievances whenever made and, that too, at earliest opportunity. Since, it is the positive case of Applicant that no decision has yet been taken on the grievance of Applicant, in spite of fulfilling all the requirements of the Respondent-Department, there would be no justification, on the part of the Respondents, to consume more time in the matter of giving final consideration for providing an employment on compassionate ground; which has direct nexus with the provisions enshrined under Article 21 of the Constitution of India. Since the matter is pending with the Respondents/Railways, in all fairness of things, it should be



referred back to them for taking a decision, independently, at an early date.

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 (with prayer to provide him 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 the Respondents (along with copies of the OA) in the address given in the OA. and free copies of this order be given to Learned counsel for both sides.



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