

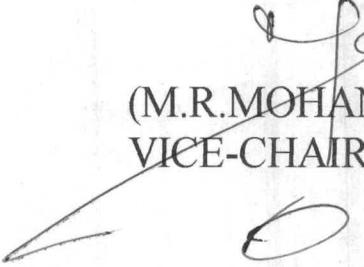
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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A. No. 419 of 2007
Cuttack, this the 26nd day of October, 2007

Akshaya Kumar Parida 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?


(M.R. MOHANTY)
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A. No. 419 of 2007
Cuttack, this the 26nd day of October, 2007

CORAM:

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

Shri Akshaya Kumar Parida, Aged about 61 years,
Son of Late Keshab Chandra Parida, Village/PO- Bilikana, PS-Aul,
Dist. Kendrapara at present Senior Auditor(Retd.), Office of the
Principal Accountant General (Audit-I & II), Orissa, Bhubaneswar,
Dist. Khurda.

.....Applicant.

By Legal practitioner : In person.

-Versus-

1. Union of India represented through the Principal Accountant General (Audit-I), Orissa, At/PO. Bhubaneswar, Dist. Khurda.
2. The Senior Deputy Accountant General (Administration), Office of the Principal Accountant General (Audit-I), Orissa, At/Po-Bhubaneswar, Dist. Khurda.

....Respondents

By Legal Practitioner : Mr. U.B.Mohapatra, SSC.



O R D E R (ORAL)

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

Heard Mr. Akshaya Kumar Parida, the Applicant in person and perused the materials placed on record.

2. Claiming ACP benefits with effect from 18.03.2001, the Applicant submitted a departmental appeal/representation under Annexure-A/3 dated 01.02.2007 and a reminder under Annexure-A/4 dated 17.02.2007. Copy of the order under Annexure-A/2 dated 16.06.2004 goes to show that the applicant completed 24 years of service as on 18.03.2001. It appears the objection (that the applicant was under suspension for sometime) as pointed out under Annexure-A/2 dated 16.06.2004 stands removed for the reason of the order passed under Annexure-A/6 dated 21.12.2006 and Annexure-A/7 dated 06.08.2007. Despite that, it is the case of the Applicant, the Respondents have not taken any action on his representations for conferment of the benefits under ACP scheme.

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3. 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 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)

4. When the Applicant has made his grievance to get the benefit, in accordance with the scheme framed by the Government

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of India, there is no reason to keep the matter pending indefinitely. On the other hand, citizens have a right to know the fate of their grievances whenever made; that too, at the earliest opportunity. Since, it is the positive case of the Applicant that no decision has been taken on his representation under Annexure-A/3 dated 01.02.2007 and reminder under Annexure-A/4 dated 17.02.2007, issuing notice in this OA may result further delay in giving consideration to the grievance of Applicant; especially when the grievances of the Applicant are stated to be still under consideration of the Respondents 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 prejudice to either of the parties. Therefore, **without entering into the merits of the matter**, this OA is hereby disposed of, at this admission stage, **with direction to the Respondents to give due consideration to the grievance of the Applicant (as raised in his pending representations under Annexure-A/3 dated 01.02.2007,**

reminder under Annexure-A/4 dated 17.02.2007 and in the present OA) and pass a reasoned order, as expeditiously as possible; preferably by the end of December, 2007 and communicate the same to the Applicant.

5. Send copies of this order along with copies of the OA to the Respondents who should treat the copies of the present OA as representation to them. Free copies of this order be also supplied to the Applicant and to Mr. U.B.Mohapatra, Learned Senior Standing Counsel for the Union of India; on whom a copy of this OA is stated to have already been served.

M. Mohanty
26/10/07
(M.R.MOHANTY)
VICE-CHAIRMAN