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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A. No. 421 of 2007
Cuttack, this the 26nd day of October, 2007

Gobinda Chandra Sahoo 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?

No.


(M.R. MOHANTY)
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A. No. 421 of 2007

Cuttack, this the 26nd day of October, 2007

CORAM:

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

Shri Gobinda Chandra Sahoo, aged about 48 years, son of Late Gangadhar Sahoo, at present working as Assistant Audit Officer in the office of the Accountant General (CW & RA), residing at Qr. No. Type III/251, New A.G.Colony, Nayapalli, Bhubaneswar-751 012.

.....Applicant.

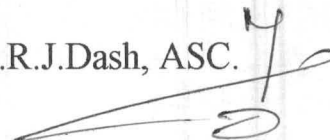
By Legal practitioner : M/s.N.Sarkar, B.K.Jena, Advocates.

-Versus-

1. Union of India represented through Deputy Comptroller and Auditor General of India, 10, Bahadursaha Zafar Marg, New Delhi-110002.
2. Accountant General (CW&RA), Orissa, At/Po. Bhubaneswar, Dist. Khurda.

....Respondents

By Legal Practitioner : Mr. P.R.J.Dash, ASC.



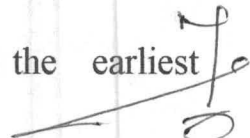
O R D E R (ORAL)

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

Heard Mr. Nilamadhav Sarkar, Learned Counsel appearing for the Applicant and Mr. P.R.J.Dash, Learned Additional Standing Counsel for the Union of India; on whom a copy of this OA has already been served; and perused the materials placed on record.

2. Applicant, having faced a penalty in a departmental/disciplinary proceedings, preferred an appeal under Annexure-A/7 dated 04.10.2006. It is stated by Mr. Sarkar, Learned Counsel appearing for the Applicant, that the said appeal is still pending and no orders having been passed on the said appeal as yet, the Applicant has chosen to approach this Tribunal with the present Original Application filed (on 24th October, 2007) U/s. 19 of the Administrative Tribunals Act, 1985.

3. Non-consideration of the grievances made through representation, by the executives, at the earliest



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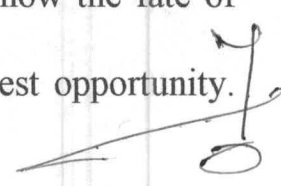
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opportunity has been deprecated by the Hon'ble Apex Court time and again and it would suffice to quote one such decision of the Hon'ble Apex Court rendered in the case of S.S.Rathore v. State of Madhya Pradesh, (reported in AIR 1990 SC 10) wherein 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 preferred a statutory appeal, there is no reason to take a view on the same for such a long time. Government Servants have a right to know the fate of their appeal whenever preferred that too, at earliest opportunity.



Since, it is the positive case of the Applicant that no decision has been taken on his statutory appeal preferred by him against the order of punishment, issuing notice to the Respondents, in this OA may result further delay in giving consideration to the grievance of Applicant; especially when the appeal under Annexure-A/7 dated 04.10.2006 is 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 appeal, 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 said grievance/pending appeal under Annexure-A/7 dated 04.10.2006 of the Applicant, and pass a reasoned order, as expeditiously as possible; preferably within a period of 90 (ninety) days from the date of receipt of copies of this order and communicate the same to the Applicant.**



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



(M.R. MOHANTY)
VICE-CHAIRMAN

