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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 260/00192 of 2015

Cuttack, this the 19th day of June 2015

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HON'BLE MR. A.K. PATNAIK, MEMBER (J)

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Rabi Narayan Dash,
aged about 55 years,
S/o late Laxmidhar Dash,
Resident of B-102, Koel Nagar,
Rourkela-769014, Dist. Sundargarh, Odisha.

...Applicant

(Advocates: M/s. P.K.Nayak, H.B.Dash, A.C.Dash)

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Union of India Represented through

1. Secretary Steel & Mines,
New Delhi.
2. Steel Authority of India Limited,
Rourkela Steel Plant,
Rourkela, Dist. Sundargarh,
Represented through its Chief Executive Officer.
3. The Manager (Personnel) OD,
Steel Authority of India,
Rourkela Steel Plant,
Rourkela, Dist. Sundargarh.

... Respondents

(Advocate:)

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O R D E R (ORAL)

A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. P.K.Nayak, Learned Counsel for the Applicant, and perused the materials placed on record.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:



“(i) Admit the original application;
(ii) Call for the relevant documents;
(iii) After hearing the parties be pleased to quash the order No. ES-2005-10663, dated 21.11.2005 issued by the Respondent No.3 vide Annexure-1 and further direct to accept the report of the Medical Board constituted by the S.D.M.O., Sundargarh for rehabilitation of applicant with all financial benefits and seniority.”

3. The case of the applicant in nutshell is that he joined his service on 08.02.1984 in the Rourkela Steel Plant. While working as Sr. Manager (Mechanical), on 25.09.2002 he fell sick and was hospitalized. Subsequently, he was checked for Medical Fitness by a Medical Board constituted by Company's doctors and declared permanently unfit for further continuance of his service in the Company. Consequently, Order No. ES-2005-10663, dated 21.11.2005 has been issued by the Respondent No.3 vide Annexure-1 declaring the applicant permanently medically unfit to continue his service in company. However, when the CDMO, Sundargarh, in its report, found the applicant fit for pen and paper work, official chair and table jobs, he made representation on 10.12.2012 before Respondent No.2 for rehabilitation of job and restoration of all financial benefits. Having received no response, he approached the Hon'ble High Court of Orissa in W.P.(C) No. 20059 of 2013. However, the same was withdrawn by the applicant to approach this Tribunal and, accordingly, he has filed the present O.A.

4. I find from the record that the applicant has challenged the order dated 10.11.2011 but without any petition for condonation of delay. I also do not find any impugned order in this O.A. Section 20 and 21 of the Administrative Tribunals Act, 1985, which have bearing on the issue of limitation read as under:



"20. Application not to be admitted unless other remedies exhausted -

(1) A Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances.

(2) For the purposes of sub-section (1), a person shall be deemed to have availed of all the remedies available to him under the relevant service rules as to redressal of grievances, -

(a) if a final order has been made by the Government or other authority or officer or other person competent to pass such order under such rules, rejecting any appeal preferred or representation made by such person in connection with the grievance; or

(b) where no final order has been made by the Government or other authority or officer or other person competent to pass such order with regard to the appeal preferred or representation made by such person, if a period of six months from the date on which such appeal was preferred or representation was made has expired.

(3) For the purposes of sub-sections (1) and (2), any remedy available to an applicant by way of submission of a memorial to the President or to the Governor of a State or to any other functionary shall not be deemed to be one of the remedies which are available unless the applicant had elected to submit such memorial."

"21. Limitation - (1) A Tribunal shall not admit an application, -

(a) in a case where a final order such as is mentioned in clause (a) of sub-section (2) of section 20 has been made in connection with the grievance unless the application is made, within one year from the date on which such final order has been made;

(b) in a case where an appeal or representation such as is mentioned in clause (b) of sub-section (2) of section 20 has been made and a period of six months had expired thereafter without such final order having been made,

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within one year from the date of expiry of the said period of six months.

(2) Notwithstanding anything contained in sub-section (1), where -

(a) the grievance in respect of which an application is made had arisen by reason of any order made at any time during the period of three years immediately preceding the date on which the jurisdiction, powers and authority of the Tribunal becomes exercisable under this Act in respect of the matter to which such order relates ; and

(b) no proceedings for the redressal of such grievance had been commenced before the said date before any High Court,

the application shall be entertained by the Tribunal if it is made within the period referred to in clause (a), or , as the case may be, clause (b), of sub-section (1) or within a period of six months from the said date, whichever period expires later.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), an application may be admitted after the period of one year specified in clause (a) or clause (b) of sub-section (1) or, as the case may be, the period of six months specified in sub-section(2), if the applicant satisfies the Tribunal that he had sufficient cause for not making the application within such period."

5. In view of the above, this O.A. does not deserve merit to be admitted and it should have been dismissed at the threshold. However, I find that the representation of the applicant dated 10.12.2012 is pending consideration with Respondent No.2.

6. Right to know the result of the representation that too at the earliest opportunity is a part of compliance of principles of natural justice. The employer is also duty bound to look to the grievance of the employee and respond to him in a



suitable manner, without any delay. In the instant case, as it appears, though the applicant submitted representation ventilating his grievance on 10.12.2012, he has not received any reply or got the benefit as per his claim till date. It is apt for us to place reliance on the decision of the Hon'ble Supreme Court of India in the case of S.S.Rathore-Vrs-State of Madhya Pradesh, AIR1990 SC Page 10 / 1990 SCC (L&S) Page 50 (para 17) in which it has been held as under:

“17.Redressal of grievances in the hands of the departmental authorities take 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 the 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.”

7. In view of the above, while deprecating the action of the Respondent No.2 for the delay in disposal of the representation of the applicant, I dispose of this OA, at this admission stage with a direction to the Respondent No. 2 to consider and dispose of representation of the Applicant dated 10.12.2012 as at Annexure-4 by a reasoned and speaking order and communicate the same to the applicant within a period of 30 days from the date of receipt of copy of this order and if after such consideration it is found that the applicant is entitled to the relief claimed by him, then the same may be granted to him within a period of 60 days from the date of such consideration. However, if in the meantime the said representation has already been disposed of then the result thereof be



communicated to the applicant within a period of two weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

8. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

9. On the prayer made by Mr. Nayak, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 2 by Speed Post for which he undertakes to file the postal requisites ^{en} ~~in~~ ^{the} Registry. ~~He~~

A.K.

A.K.
(A.K.PATNAIK)
MEMBER(Judl.)

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