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CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH, CUTTACK

O. A. No. 260/00877 OF 2016

Cuttack, this the 9th day of December, 2016

CORAM

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

Susil Bag, aged about 39 years, Son of Subash Bag, At-Bargaon, P.S. Saintala, Dist-Balangir.

...Applicant

(By the Advocate-M/s. S. Pattnaik, A. Sahoo, J. R. Kar, B. R. Kar)

-VERSUS-

Union of India Represented through

1. Secretary to Govt. of India, Ministry of Defense, Department of Defense Production, 136 South Block, New Delhi-110011.
2. The D. G. O. F. and Chairman, Ordnance Factory Board, 10-A, S. K. Bose Road, Kolkata-700001.
3. General Manager, Ordnance Factory, Badmal, At/PO: Badmal, Dist-Balangir.
4. The Works Manager, Ordnance Factory, Badmal, At/PO: Badmal, Dist- Balangir.
5. Collector Balangir, At/PO/Dist: Balangir.

...Respondents

By the Advocate- (Mr. P.K. Mohanty)

O R D E R (ORAL)

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

Heard Mr. S. Pattnaik, Ld. Counsel appearing for the applicant and Mr. P.K. Mohanty, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served, 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 with the following prayer(s):-

- “(i) To admit the Original application and issue notice to the Respondents.
- (ii) To call for the relevant records after hear from both sides allow the Original Application to the extent that;
- (iii) Appropriate direction may be issued by directing the Respondents to take promptitude steps for consideration in the matter of extending the benefits of appointment as against the Class-III and IV now redesigned as “Group-B and C” posts in favour of the present applicant, by strictly adhering the principle spelt out in rehabilitation and resettlement policy 2003, along with recommendation of the Ld. Collector, Balangir, vide letter No.16 dated 08.01.2013, under Annexure-A/2.



(iv) And pass such other order/direction as deem fit and proper to the facts and circumstances of the case to give complete justice/relief in favour of the present applicant."

3. Mr. Pattnaik submitted that the applicant is a local affected person who has been displaced/ousted from his homestead land along with agriculture land, due to establishment of Ordnance Factory Badmal. His grievance is directed against non-consideration of his case

For absorption in class-III and class-IV posts now modified in Group "B" and "C" posts employee in the Ordnance Factory on the basis of principle spelt out in Resettlement and Rehabilitation policy 2003.

4. At the outset Mr. Mohanty, Ld. ACGSC opposed the very maintainability of the O.A. by drawing my attention to Section 20 of the AT Act. Mr. Mohanty further submitted that the case of the applicant was recommended by the Collector of the District but the applicant has never approached any of the Departmental Authorities for redressal of his grievance and so also after the order passed by the Hon'ble High Court the applicant has not gone before the Departmental Authority nor any appeal has been preferred by the applicant ventilating his grievance for which a direction can be issued for disposal. Mr. Mohanty further submitted that the applicant has made representations to different authorities on different dates but has never raised this point before the Departmental Authority and therefore, in all practical purposes no departmental remedy has been availed of by the applicant. Therefore, this O.A. is liable to be dismissed being hit under Section 20 of the AT Act.



5. However, on being questioned Mr. Patnaik fairly submitted that it is an inadvertent mistake on the part of the applicant and prayed to grant liberty to the applicant to make a comprehensive representation to Respondent No.3 with copy to Respondent No.5 within a period of 15 days and accordingly a direction may be issued for consideration of the same by the Respondents.

6. I do not think it will prejudice to either of the parties if the O.A. is allowed to be withdrawn with a liberty to the applicant to make a comprehensive representation to Respondent No.3 with copy to Respondent No.5 within a period of 15 days. Therefore, I allow this O.A. to be withdrawn with a liberty to the applicant to make a comprehensive representation to Respondent No.3 with copy to Respondent No.5 within a period of 15 days ventilating all his grievance by annexing a copy of this order and if any such representation is preferred to the Respondent No.3 within 15 days from today, then Respondent No.3 shall consider and dispose of the same and communicate the result thereof by way of a reasoned and speaking order within a period of two months from the date of receipt of the order.

7. Though I have not expressed any opinion on the merits of the matter, still then it is made clear that if after such consideration the grievance of the applicant is found to be genuine, then expeditious steps be taken by the Respondents to redress the grievance of the applicant within a further period of three months from the date of such consideration for providing him a job under the rehabilitation assistance scheme.



8. With the aforesaid observation and direction, the O.A. is disposed of at the stage of admission itself. No costs.

9. On the prayer made by Mr. S. Patnaik, Ld. Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent Nos.3 & 5 by Speed Post for which Mr. Patnaik undertakes to file the postal requisites by 14.12.2016.


(A.K. Patnaik)
Judicial Member

K.B.

