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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

Original Application No. 260/00213 of 2015  
Cuttack, this the 29<sup>th</sup> day of April, 2015

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

.....

Khetrabasi Bhuyan,  
aged about 70 years,  
S/o Sri Narahari Bhuyan,  
At/PO- Mirzapur, PS- Salipur,  
Dist.- Cuttack.

...Applicant

(Advocates: Mr. S.K.Dalai )

**VERSUS**

Union of India Represented through its

1. Secretary,  
Ministry of Finance,  
North Block, New Delhi.
2. Chief Post Master General,  
Odisha Circle, Bhubaneswar-751001,  
Dist- Khurda.
3. The Director Postal Service (Hqrs)  
O/o Chief Post Master General,  
Bhubaneswar, Dist- Khurda.
4. Superintendent of Post Offices,  
Cuttack Northern Division,  
Cuttack.

... Respondents

(Advocate: Mr. M.R.Mohanty )

.....

**ORDER (ORAL)**

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

Heard Mr. S.K.Dalai, Learned Counsel for the Applicant, and Mr. M.R.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 seeking the following relief:

“(1) The off duty period w.e.f. dated 19.08.1999 to 26.12.2000 be regularized as the case instituted against him in Salipur Police station due to village dispute is in a private nature and has no connection with Government duty as Sub-Post Master Mirzapur.

(ii) The pay as per recommendation of the 6<sup>th</sup> Commissioner be fixed from 1.1.2006 to 28.02.2009 and difference amount of pay and allowances be released.

(iii) The ex-gratia gratuity pension of the applicant be calculated after fixation of pay as per recommendation of 6<sup>th</sup> pay commissioner from 1.1.2006 to 28.02.2009 as all the employees have been provided as such.

(iv) Why the respondents shall not be directed to provide the benefits available to the applicants on compassionate ground for sustenance of the family members in the facts and circumstances of the case.”

3. Brief facts of the case are that the applicant, who is now 70 years of old, has retired from Govt. service as Extra Departmental Branch Post Master of Mirzapur Branch Post Office in Postal Department on attaining the age of superannuation since 28.02.2009. His case is that while working in Mirzapur Sub-Post Office, due to registration of a criminal case in Salipur P.S. Case No. 195 dated 16.08.1999 he was suspended from service on 19.08.1999, however, he was reinstated in service on 26.12.2000. His grievance is that on his retirement he has not received his pay as per 6<sup>th</sup> pay commission from 1.1.2006 to 28.02.2009 as well as his pension gratuity has not been calculated due to pendency of criminal case. Mr. Dalai, Ld. Counsel for the applicant, submitted that the applicant made representations date back on 17.08.2010 and on 18.02.2012 vide Annexure-3 series before Respondent No.4 but till date he



has received no response on his representations and the same are still pending consideration.

4. 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 has superannuated since 28.02.2009 and has submitted representations ventilating his grievance on 17.08.2010 and on 18.02.2012, he has not received any reply or got the benefit 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.”

5. In view of the above, while deprecating the action of the Respondent No.4 for the delay in disposal of the representations of the applicant, without entering into the merit of the matter, we dispose of this OA, at this admission stage with a direction to the Respondent No.4 to consider and dispose of representations of the applicant dated 17.08.2010 and 18.02.2012 as at Annexure-3 series, if at all the same



have been filed and are still pending, 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. It after such consideration the applicant is found to be entitled to the relief claimed by him then expeditious steps be taken within a further period of 60 days to extend the said benefit to him. If, in the meantime, the representations have already been disposed of then the result thereof be communicated to the applicant within a period of 15 days from the date of receipt of a copy of this order. No costs.

6. As prayed for by Mr. Dalai, Ld. Counsel for the applicant, copy of this order, along with the paper book, be transmitted to Respondent No. 4 by Speed Post at the cost of the applicant, for which he undertakes to furnish the postal requisites by 04.05.2015.

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