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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 260/00282 OF 2015
Cuttack, this the 21st day of May, 2014

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)
HON'BLE MR. R.C. MISRA, MEMBER (A)

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Sri Jugal Kishore Mohanty,
aged about 65 years,
S/o- Late Bairagi Ch. Mohanty,
Presently residing at Plot No.C-60,
Lingaraj Vihar, Pokhariput,
Bhubaneswar, Dist-Khurda-751020.

.....Applicant

Advocate(s)-M/s- S.K. Ojha, S.K. Nayak.

VERSUS

Union of India represented through

1. The Secretary to Government of India,
Ministry of Science & Technology,
Technology Bhawan,
New Meharauli Road,
New Delhi-110016.

2. The Surveyor General of India,
Surveyor General's Office,
Hathibarkala Estate,
Post Box No.37, Dehradun,
Uttarakhand-248001.

3. The Director,
Survey of India,
Survey Bhawan, Bhubaneswar-13.

..... Respondents

Advocate(s)..... Mr. G.R. Verma

O R D E R (ORAL)

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

Heard Mr. S.K.Ojha, Ld. Counsel for the Applicant, and Mr. G.R.Verma, 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 prayers:

> "(i) To direct the Respondents to re-fix the pay in GP-7600/- forthwith and release the actual benefit including arrears thereof forthwith;
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> (ii) To direct the Respondents to calculate and pay the interest @ 12% per annum on the delayed payments/arrears from 01.09.2008 till the actual payment is made;
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> (iii) To direct payment of a sum of Rs. 22,000/- (Rupees twenty two thousand only) toward the cost of litigation recoverable from the salary of Respondent No. 2 and 3.
>
> (iv) To pass necessary orders any other order....."

3. The grievance of the applicant as reveals from the record is that though vide letter dated 09.06.2014 has been issued by the Govt. of India directing Respondent No.2 to take immediate steps to extend the benefit of MACP to the eligible persons, the same has been delayed for ~~an~~ one year. Mr. Ojha, Ld. Counsel for the applicant, submitted that though the applicants are eligible for the aforesaid benefit w.e.f. 01.09.2008, despite the directions of the Court of law till date the same has not been paid to the applicant. Accordingly, alleging inaction on the part of Respondent Nos. 2 and 3, applicant has filed this O.A.

4. On our specific query whether the applicant has approached the concerned authorities ventilating his grievance, Mr. Ojha submitted that since there is

specific order dated 09.06.2014 of Govt. of India to extend the benefit of MACP, there is no need to approach the authorities through representation and, accordingly, the applicant has not made any representation.

5. Section 20 of the Administrative Tribunals Act, 1985 stipulates as under:

> **"20. Application not to be admitted unless other remedies exhausted –**
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> (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.
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> (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, -
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> (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
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> (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.
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> (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."

6. In view of the above, we are of the considered opinion that the applicant has approached this Tribunal without availing the departmental remedy, i.e. without putting forth his grievance before the appropriate authority. Accordingly, we are not

inclined to entertain this O.A. at this stage and, hence, the same is dismissed. No costs.

(R.C.MISRA)
MEMBER(Admn.)

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

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