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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No.260/00086 of 2015
Cuttack, this the 24th day of February, 2015

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

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Sri Lambodar Bihari,
aged about 48 years,
Son of Late Soudagar Bihari,
At/PO-Kurunti, PS-Rajnagar,
Dist-Kendrapara, Odisha,
At present working as Senior Technical Officer-I,
C.S.I.R., Institute of Mineral and Material Technology (IMMT),
PO-RRL, Acharyavihar,
Bhubaneswar-751013, Dist-Khurda, Odisha.

...Applicant

(Advocates: Mr. K.C. Kanungo)

VERSUS

Council of Scientific and Industrial Research represented through

1. Director General,
Council of Scientific and Industrial Research,
2, Rafimarg, Anusandhan Bhawan,
New Delhi-110001.
2. Joint Secretary (Admn.),
Council of Scientific and Industrial Research,
2, Rafimarg, Anusandhan Bhawan,
New Delhi-110001.
3. Director,
CSIR, Institute of Mineral and Material Technology,
PO-RRL, Bhubaneswar-751013,
Dist-Khurda, Odisha.

..... Respondents

(Advocate: Mr. B.K.Mohapatra)

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ORDER (ORAL)

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

Heard Mr. K.C.Kanungo, Learned Counsel for the Applicant, and Ms. B.K.Mohapatra, 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 challenging inaction of the Respondents, more particularly Respondent No.3, in the matter of pay fixation (extending pay protection) in terms of FR 22 (1) a (3) read with Govt. of India Rule 5 w.e.f. the date of entry into service i.e. 09.02.1996. The applicant has further assailed the inaction of Respondent No.3 to act upon the favourable report of the Committee dated 25.01.2011, under Annexure-A/4, constituted by the departmental authorities. Ventilating his grievance on the inaction of Respondent No.3, the applicant has preferred a representation on 04.06.2013 under Annexure-A/5 addressed to Director, CSIR- Institute of Mineral and Material Technology, i.e. Respondent No.3, and as he did not get any response by way of making reminder he made another appeal on 12.11.2014 to said Respondent No.3 vide Annexure-A/6. Mr. Kanungo submitted that though in the meantime almost 1 and ½ years have passed after giving representation to Respondent No.3 on 04.06.2013, followed by reminder dated 12.11.2014, till date the applicant has not received any response from the concerned authority.

3. As stated by Ld. Counsel for the applicant that the representation/reminder of the applicant is pending with Respondent No. 3 since long, we are of the view that right to know the result of the representation that too

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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 followed by reminder ventilating his grievance vide Annexures- A/5 and A/6, he has not received any reply 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.”

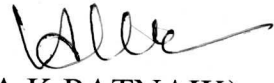
4. In view of the above, while deprecating the action of the Respondent No. 3 for the delay in disposal of the representation of the applicant, without entering into the merit of the matter, we dispose of this OA, at this admission stage with a direction to the Respondent No. 3 to consider and dispose of representation as well as reminder of the Applicant as at Annexures- A/5 and A/6 respectively by a reasoned and speaking order and communicate the same to the applicant within a period of 45 days from the date of receipt of copy of this order. If after such consideration as per rules as well as recommendation of the Committee, the applicant is found to be entitled to the benefits as claimed by him then expeditious



steps be taken preferably within a period of 45 days therefrom to extend the said benefit to the applicant. However, if, in the meantime, the representation as well as reminder has 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.

5. On the prayer made by Mr. Kanungo, Ld. Counsel for the applicant, copy of this order, along with paper book, be sent to Respondent Nos. 1, 2, and 3 by Speed Post at the cost of the applicant for which he undertakes to file the postal requisites by 27.02.2015.


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


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