

5

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 260/00714 of 2015
Cuttack, this the 30th day of October, 2015

CORAM
HON'BLE SHRI A.K. PATNAIK, MEMBER (JUDL.)

.....

Gyana Ranjan Das,
aged about 42 years,
S/o Sri G.C.Das,
At- Nailo, PO- Annakhia,
Dist- Jagatsinghpur. .

...Applicant

(Advocates: M/s. N.Sarkar, A.N.Das, E.A.Das)

VERSUS

Union of India Represented through

1. Director General of Posts,
Daktar Bhawan,
New Delhi-110001.
2. Chief Postmaster General,
Orissa Circle, Bhubaneswar-751001,
Dist- Khurda.
3. Superintendent of R.M.S. (B.G.) Division,
Berhampur, At/PO- Berhampur,
Dist- Ganjam.

... Respondents

(Advocate: Mr. G.R.Verma)

.....

ORDER (ORAL)

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

Heard Mr. N. Sarkar, 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 alleging inaction on the part of the Respondents in not considering the genuine and legitimate claim of the applicant for retrospective regularization and in not antedating the date of regularization as 11.12.1998 as per the direction of the Hon'ble High Court of Orissa and the Hon'ble Apex Court.

3. I find from the record that being aggrieved with the inaction of the Respondents, applicant ventilating his grievance has made a representation before Respondent No. 2 vide Annexure-A/6 dated 08.11.2012, which is stated to be pending. Though the representation was filed in the year 2012 and this O.A. has been filed on 28.09.2015 without any petition for condonation of delay, I am of the view that as I am not entering into the merit of the matter, it is not necessary to file petition for condonation of delay.

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 submitted representation ventilating his grievance on 08.11.2012, he has not received any reply or got the benefit to which he is entitled to till date. It is apt for me 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


Wls

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.”

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, without entering into the merit of the matter, 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 08.11.2012 at Annexure-A/6 by a reasoned and speaking order and communicate the same to the applicant within a period of three months 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 expeditious steps be taken within a further period of two months from such consideration to grant the same to him.

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

6. On the prayer made by Mr. Sarkar, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 1 and 2 by Speed Post for which he undertakes to file the postal requisites by 06.11.2015.


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