

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 260/00119 of 2015
Cuttack, this the 12th day of March, 2015

CORAM

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

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

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Purusottam Naik,
aged about 42 years,
S/o Sri Chaturbhuja Naik,
A permanent resident of Vill/PO- Baghuasole,
Via/PS- Chandua Ashram, Dist- Mayurbhanj,
At present removed from the post of GDSBPM,
Baghuaole BO under Mayurbhanj Postal Division.

...Applicant

(Advocates: Mr. T.Rath)

VERSUS

Union of India Represented through

1. Secretary-cum-D.G. (Posts),
Dak Bhawan,
New Delhi-110001.
2. Chief PMG, Odisha Circle,
At/PO-Bhubaneswar,
GPO-751001, Dist-Khurdha.
3. Director of Postal Services (HQ),
O/o CPMG, Odisha Circle,
At/PO-Bhubaneswar,
GPO-751001, Dist-Khurdha.
4. Superintendent of Post Offices,
Mayurbhanj Division,
At/PO- Baripada-757001,
Dist- Mayurbhanj.

... Respondents

(Advocate: Mr. S.Patra)

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ORDER (ORAL)

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

Heard Mr. T.Rath, Learned Counsel for the Applicant, and Mr. S.Patra, Ld. Addl. 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. The applicant has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 challenging the charge sheet under Annexure-A/4 as well as the order of removal from service issued under Annexure-A/6. He has further prayed to reinstate him in service with back wages.

3. The case of the applicant in nutshell is that he was put under off duty on 10.09.2007 and, subsequently, proceeded under Rule 10 of the GDS (Conduct and Employment) Rules, 2001. However, the Inquiry Officer found the charges leveled against the applicant as "Not Proved", accordingly, the Supdt. of Post Offices, Mayurbhanj Division after examining the I.O. Report and the evidences adduced during oral inquiry, exonerated the applicant from the charges of misappropriation and awarded the punishment of debarring him from appearing in the recruitment examination to the post of Postman for a period of two years and ordered reinstatement in his original post. The applicant resumed duty on 27.06.2011. However, Supdt. of Post Offices, Mayurbhanj Division (Respondent No.4) vide a Memo dated 23.12.2012 ordered for holding a denovo inquiry under Rule 10 of GDS (C&E) Rules 2001 on a self same Memorandum of charges. After culmination of the inquiry, Disciplinary Authority vide memo dated 22.08.2014 imposed the penalty of "Removal from engagement which shall not be a disqualification for future employment". Mr. Rath, Ld. Counsel for the applicant, submitted that against the order of Disciplinary Authority the applicant preferred



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appeal on 07.11.2014 before the Appellate Authority, i.e. Director of Postal Services(HQ) (Respondent No.3), which is still pending consideration.

4. Right to know the result of the representation/appeal 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 his appeal ventilating his grievance on 14.09.2014, 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.”


5. In view of the above, while deprecating the action of Respondent No.3 for the delay in disposal of the appeal 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 the appeal of the Applicant dated 14.09.2014 as at Annexure-A/7 on merit and dispose of the same by a reasoned




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and speaking order within a period of 2 weeks from the date of receipt of copy of this order and intimate the same to the applicant.

6. With the above observation and direction this O.A. stands disposed of at the stage of admission.

7. On the prayer made by Mr. Rath, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 3 by Speed Post for which he undertakes to deposit the postal requisites by 16.03.2015.


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


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

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