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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00166 OF 2016
Cuttack, this the 18th day of April, 2016

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

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Krushna Chandra Mallick, aged about 40 years, S/o Late Pravakar Mallick,
village/P.O: Nuagaon, Via: Kujang, Dist: Jagatsingpur, Odisha.

.....Applicant

By the Advocate(s)-M/s. P.K. Nayak, A. Das.

-Versus-

Union of India, represented through

1. Director General(Posts), Dak Bhawan, Ashoka Road, New Delhi-110011.
2. Chief Post Master General, Odisha Circle, Bhubaneswar, Dist: Khurda.
3. Superintendent of Post Office, Cuttack South Division, AT/PO/Dist: Cuttack 753001.
4. Inspector of Posts, Kujang Sub-Division, At/PO: Kujang, Dist: Jagatsinghpur.

.....Respondents

By the Advocate(s)-Mr. S. Behera

ORDER (ORAL)

A.K.PATNAIK, MEMBER (J):

Heard Mr. P.K. Nayak, Ld. Counsel appearing for the applicant and Mr. S. Behera, Ld. SCGPC 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:

“...To direct the Respondents to pay the combined duty allowance towards doing the extra duty of Sri Sisir Barik, Ex-GDSMC to Chatua B.O. in account of Kujng SO w.e.f. 12.04.2006 to the applicant by considering and disposing of his representation vide Annexure-6 within a particular time”.

3. Mr. Nayak, Ld. Counsel submitted that due to non-consideration of the case of the applicant for the aforesaid relief, he submitted representation dated 01.12.2014 (Annexure-A/6) to

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Respondent No.3. It has further been submitted that till date no response has been received by the applicant on his representation. Hence, the applicant has filed this O.A. with the prayer as aforesaid.

4. As stated by Ld. Counsel for the applicant that the representation of the applicant is pending with the authorities since 01.12.2014, I am of the view that 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 01.12.2014, 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 the Respondent No.3 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.3 to consider the representation dated 01.12.2014 (Annexure-A/6) and dispose of the same with a reasoned and speaking order to be communicated to the applicant within a period of three months from the date of receipt of copy of this order. I hope and trust, in the event of such consideration if the applicant is found to be entitled to the relief claimed by him then

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expeditious steps be taken to extend the benefit to him preferably within a further period of three months from such consideration. Though I have not expressed any opinion on the merit of the case, I make it clear that all the points raised in the representation will be kept open for the Respondents for consideration as per the extant rules, regulations and law in force. However, it is made clear that if in the meantime the said representation has already been disposed of then the result of the same be communicated to the applicant within a period of two weeks from the date of receipt of copy of this order.

6. With the aforesaid observation and direction, the O.A. is disposed of at the stage of admission itself. No costs.

7. On the prayer made by Mr. P.K. Nayak, 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 Mr. Nayak undertakes to file the postal requisites by 20.04.2016.


(A.K.PATNAIK)
MEMBER(J)

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