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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00210 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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Binod Kumar Mohanty, aged about 43 years, S/O Late Birakishore Mohanty, Vill/Po. Jubuli Town Dist. Dhenkanal, Odisha.

.....Applicant

By the Advocate(s)-M/s. D.K. Mohanty.

-Versus-

Union of India, represented through

1. Secretary, Govt. of India, Ministry of Finance, Department of Revenue, Central Secretariat, New Delhi-110001.
2. The Central Board of Direct Taxes, Dept. of Revenue, represented by Chairman, North Block, New Delhi-110001.
3. The Principal Chief Commissioner of Income Tax, Ayaker Bhawan, Rajaswa Vihar, Vani Vihar, Bhubaneswar-751007.
4. The Deputy Commissioner of Income Tax, (Hqrs.)(Admn.) O/o Principal Chief Commissioner of Income Tax, Ayakar Bhawan, Rajaswa Vihar, Vani Vihar, Bhubaneswar-751007.
5. The Income Tax Officer, Ward-1, Dhenkanal, Kunjakanta Dhenkanal-19.

.....Respondents

By the Advocate(s)- Mr. C.M. Singh

ORDER (ORAL)

A.K.PATNAIK, MEMBER (J):

Heard Mr. D.K. Mohanty, Ld. Counsel appearing for the applicant and Mr. C.M. Singh, Ld. ACGSC 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 consider the case of the applicant taking into account the enquiry report under Annexure-A/8 as the applicant is deserving for compassionate appointment under compassionate quota.”

3. The facts of the case in a nutshell are that the applicant who is a graduate had lost his father in childhood. His mother Late Pramila Mohanty while working as Daftary under Respondent No.5 died prematurely on 31.01.2004 leaving behind her 02 sons & 03 daughters.

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The mother of the applicant was the only earning member of the family. After the death of the mother of the applicant, the family of the deceased are in a destitute condition. The applicant immediately made representation dated 25.06.2014 ventilating all the aspects including penury condition of the family to the authority for consideration of providing employment under compassionate quota. No heed having been paid to the representation of the applicant for which the applicant sought information through RTI Act on 24.11.2015. Thereafter in reply dated on 21.12.2015 it has been stated by the Respondents that case of the applicant was considered by the CAC which met on 23.09.2014 and 30.09.2014 and did not recommend the name of the applicant. In the said reply also admitted that in Para-2 that his case is going to be considered shortly. But, it is surprise enough that this consideration has not been communicated to the applicant till date. Hence, the applicant has filed this O.A. with the prayer as aforesaid.

4. On the other hand, Mr. Singh, Ld. ACGSC appearing for the Respondents, by drawing my attention to the different provisions of CAT Act and Rules vehemently opposed the very maintainability of this O.A. He submitted that when the applicant himself has not ventilated his grievance before the appropriate authority, this O.A. is not maintainable. Mr. Singh further submitted that Section 20 (1) of the Administrative Tribunal Act which provides as under:

“A Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant has availed of all the remedies available to him under the relevant service rules as to redressal of grievance.”

5. On being questioned as to whether the applicant has moved before the authorities and has filed any representation before the appropriate authority, Mr. Mohanty submitted that the applicant has not ventilated his grievance before the appropriate authority and therefore, prayed liberty of this Tribunal to file an exhaustive representation before the Respondent No.3 within a period of two weeks from today.

6. Accordingly, this O.A. is disposed of by giving liberty to the applicant to make a comprehensive representation, annexing the documents as he feels proper, to Respondent No.3 within a period of two weeks from

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today i.e. by 02.05.2016 and if any such representation is preferred within two weeks from today, then the said Respondent No.3 is directed to consider and dispose of the said representation and pass a reasoned and speaking order within a period of two months from the date of receipt of the representation as per the rules and regulations in force keeping in mind the applicability of the documents, which the applicant would annex to his representation. Although, I have not expressed any opinion on the merit of the case, I make it clear that if after such consideration the applicant is found to be entitled to the relief claimed by him then expeditious steps be taken within a further period of three months from the date of such consideration to extend the said benefits to him.

7. With the aforesaid observation and direction this O.A. is disposed. No costs.

8. Applicant is at liberty to annex a copy of this order along with his representation.


(A.K.PATNAIK)
MEMBER(J)

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