

15 MAR 2016



**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

Original Application No. 260/00 243 Of 2016
Order dt. 03-05-2016

In the matter of : An application under Section 19 of the
Administrative Tribunal Act, 1985.

And

In the matter of : SAROJKANTA MALLICK,
Aged about 43 years, S/o. Srichandan
Mallick, Presently working as Postal
Assistant in Prajatantra Sub-Post office,
Chandinichowk, Cuttack - 750002. R/o.
Gobindapur, P.O. Gobindapur Kachheri,
P.S. Aul, Dist. Kendrapara

... APPLICANT

- VERSUS -

1. Union Of India, Represented
through Director General, Department
of Post, DakBhawan, New Delhi-110001.

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15 MAR 2016



2. Chief Post Master General,

Odisha Circle, Bhubaneswar,

Dist. Khurda-752001.

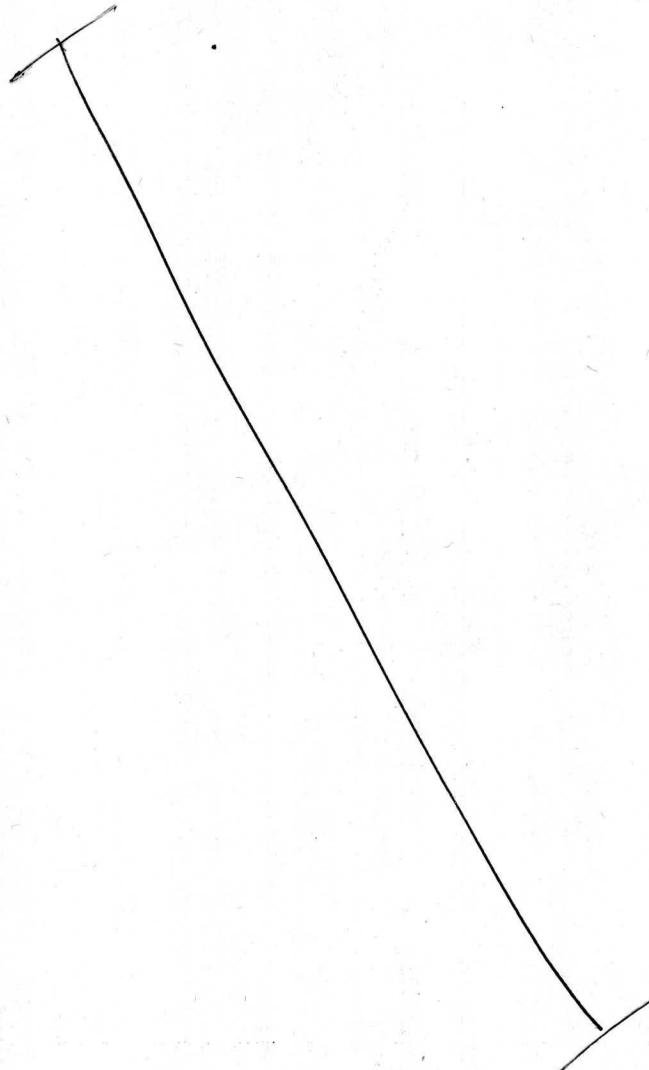
3. Senior Superintendent Of Post

Office, City Division, Cuttack-15,

Cantonment Road, Cuttack-01.

... **RESPONDENTS**

in progress



ORDER (ORAL)
Dated 03.05.2016

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

Heard Mr. S.K.Patra-I, Ld. Counsel for the Applicant, and Mr. A.C.Deo, 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 praying for the following relief:

“(a) The Respondents be directed to regularize the service of the applicant for the leave vacancy period from 08.10.1998 to 08.09.2011 and to pay all benefits as admissible to the applicant.

(b) Pass any other order/orders as would be deemed just and proper.

3. The case of the applicant is that after his father retired from service on the ground of invalidation, his case was approved by the CRC for appointment in P.A. cadre vide Annexure-A/1 dated 10.06.1998. However, he was engaged on daily wage basis in minimum scale of P.A. cadre as per memo dated 08.10.1998 (Annexure-A/2). Pursuant to the orders passed by this Tribunal in O.A. No. 630/2006 filed by the applicant, which was subsequently upheld by the Hon’ble High Court of Orissa in W.P.(C) No. 17104/2009, applicant was appointed in P.A. cadre on regular basis as per order dated 17.08.2011, to which post applicant joined on 09.09.2011. Mr. Patra-I, Ld. Counsel for the applicant, submitted that thereafter the applicant made representation to Respondent No.2 vide Annexure-A/5 dated 09.05.2015 for regularizing his daily wage service period, i.e. from 08.10.1998 to 08.09.2011,

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with all service benefits but till date he has not received any response from the said authority for which he has filed this O.A. with the aforesaid prayers.

4 As stated by Ld. Counsel for the applicant that the representation of the applicant is pending with Respondent No.2 since 09.05.2015, we are 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 09.05.2015, 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. 2 for the delay in disposal of the representation of the applicant, without entering into the merit of the matter, we dispose of this O.A.



with direction to the Respondent No.2 to dispose of the said representation, if the same is still pending, and pass a reasoned and speaking order within a period of two months. Though, we have not gone into the merit of the matter, all the points raised by the applicant in his representation are kept open for the Respondent No.2 to consider the same as per rules and regulations. If after such consideration, the applicant is found to be entitled to the relief claimed by him them expeditious steps be taken within a further period of two months to grant the same to him. If in the meantime the said representation has already been considered and disposed of then the result thereof 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, this O.A. stands disposed of. No costs.

7. On the prayer made by Mr. Patra-I, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 2 by Speed Post for which he undertakes to file the postal requisites by 05.05.2016.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER (J)