

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 260/00157 OF 2015
Cuttack this the 6th day of April, 2015

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

Sri Gahaki Suna,
aged about 42 years,
S/o. Late Chatyrbhuja Suna,
At/P.O-Birjam, Via-Ghess,
P.S.-Melchamunda, Dist-Baragarh,
Presently working as GDSBPM/MC,
Birjam BO,

Via-Ghess S.O., Dist-Baragarh

...Applicant

(Advocates: M/s. D.P. Dhalsamant, N.M. Rout)

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Union of India Represented through

1. Director General of Posts,
Govt. of India,
Ministry of Communication,
Department of Posts,
Dak Bhawan,
Sansad Marg,
New Delhi-110001.
2. Chief Post Master General,
Odisha Circle,
Bhubaneswar, Dist-Khurda - 751001.
3. Superintendent of Post Offices,
Sambalpur Division,
At/PO/Dist-Sambalpur-768001.
4. Sub Divisional Inspector of Post,
Rajborasambar Sub-Division,
At/PO-Rajborasambar,
Dist-Bargarh-768036.

... Respondents

(Advocate: Mr. S. Behera)



ORDER (ORAL)

A.K.PATNAIK, MEMBER (J):

Heard Mr. D.P. Dhalsamant, Learned Counsel for the Applicant and Mr. S. Behera, Ld. SCGPC appearing for the Respondents, and perused the materials placed on record.

2. The applicant, presently working as GDSBPM/MC, Birjam B.O. in account of Ghess S.O. has filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985 with the following reliefs:

“... Direction be issued to the respondents particularly respondent No.3 to grant/pay the combined duty allowance to the applicant w.e.f. 12.1.2005 with a stipulated period with interest of 12% per annum.”

3. As it reveals from the O.A., on 01.06.1997 the applicant initially joined as GDSBPM at Birjam B.O. in account of Ghess S.O. on being selected through a regular selection process. While the applicant was working as GDSBPM, Vide Memo dated 11.01.2005 Respondent No.4 directed the applicant to exchange their B.O. bags (duty of the GDSMC) by terminating the previous arrangement. Though the applicant has been performing the combined duty of GDSBPM/MC but has not been paid the combined duty allowance for which the applicant made several representations to Respondent Nos.3 & 4. Thereafter, Respondent No.3 vide its memo dated 21.01.13 & 07.02.2013 directed all the ASPOs I/C/IPOs of Sambalpur Division with a request to comply the point mentioned therein. In the said memo the applicant was also directed to submit his application for payment of combined duty allowance through Respondent No.4 for recommendation and onward submission. Thereafter, Respondent No.3 vide its memo dated 22.02.2013 returned the application and memo of the applicant to Respondent No.4 for resubmission after recommendation for sanction of the

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combined duty allowance. In spite of the memo dated 22.02.2013 of the Respondent No.3, the applicant has not been granted combined duty allowance. Being aggrieved the applicant submitted a representation dated 11.01.2014 to Respondent No.4 to consider and recommend for combined duty allowance as soon as possible since his daughter is suffering from Nephrotic diseases but till date the applicant has not received any communication from the Respondent-Department. Though one year has been elapsed from the date of representation to Respondent No.4 and more than two years has been passed from the date of the order of the Respondent No.3 to Respondent No.4 for resubmission of sanction for payment of combined duty allowance but the applicant has not yet been paid the combined duty allowance till date. Hence the present O.A. has been filed by the applicant with the prayer as aforesaid.

4. As stated by the Ld. Counsel for the applicant that the representations of the applicant are pending with the authorities since 11.01.2014, 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 into 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 representations ventilating his grievance on 11.01.2014 yet he has not received any reply till date. It would be in the aptness of things 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

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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 Respondents-Department for not responding to the representations 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.4 to consider and dispose of representation dated 11.01.2014 (Annexure-A/5) of the Applicant by a reasoned and speaking order and communicate the decision to the applicant within a period of 15 days from the date of receipt of copy of this order. 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 15 days from the date of such consideration to extend the benefit to the applicant. However, If, in the meantime, the said representation has already been disposed of, then the result thereof be communicated to the applicant within a period of 15 days from the date of receipt of a copy of this order. No costs.

6. On the prayer made by Mr. D.P. Dhalsamant, Ld. Counsel for the applicant, copy of this order, along with paper book, be sent to Respondent No.4 by Speed Post at the cost of the applicant for which he undertakes to file the postal requisites by 08.04.2015.


(A.K.PATNAIK)
MEMBER(J)