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B.Naik & Ors. Vrs. UOI

For Orders/Directions Sl. No. 7
O.A. No. 448 of 2012
Advocates: Mr. S.N.Sharma
Advocates: Mr. B.K.Mohapatra

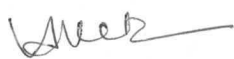

Order dated: 05.04.2013

CORAM
HON'BLE SHRI A. K. PATNAIK, MEMBER (JUDL.)
&
HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)
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Mr. S.N.Sharma, Ld. Counsel for the applicant, and Mr. B.K.Mohapatra, Ld. ACGSC for the Respondents, are present.

2. This matter was disposed of by the Single Bench of this Tribunal on 11.06.2012 in which Respondent No.3 was directed to consider the pending representation and pass a reasoned and speaking order within a period of six weeks from the date of receipt of copy the order.

3. After considering M.A. No. 648/12 filed by the Respondents for extension of time to comply with the order dated 11.06.2012, on 17.10.2012 as per the oral prayer made by Mr. Mohapatra, LD. ACGSC, an order was passed by granting one month's time to the Respondents for compliance and copies of the order were given for onward transmission.

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4. On 17.01.2013 though none appeared for the applicant, on the M.A. 27/13 filed by Mr. Mohapatra and as the prayer was very much convincing, two months' time allowed to the Respondents for compliance of the order dated 11.06.2012 passed in O.A. No. 448/11. Accordingly, M.A. 27/13 was disposed of and the matter was directed to be listed on 25.03.2013, by which time Mr. Mohapatra, Ld. ACGSC was expected to submit compliance report for perusal of this Bench. On 25.03.2013 Mr. Mohapatra made a specific undertaking to file the compliance report and, accordingly, the matter was adjourned to 26.03.2013. On 26.03.2013, Mr. Mohapatra submitted that steps have been taken meanwhile and, therefore, the matter was directed to be listed week commencing 02.04.2013.

5. Today, by filing a memo, Mr. Mohapatra has annexed a letter dated 25.03.2013 addressed to the Director General, (Sri W.B.Prasad-Dy. Director (Engg & Admn)-by name) (S.IV Section), Doordarshan Bhawan, Copernicus Marg, New Delhi-110001, in which it has been stated that a draft speaking order has been sent for vetting and necessary action.

6. We find that the direction was made to Respondent No.3, Dy. Director General (Programme), Door Darshan Kendra, Chandrasekharpur, P.O. Sainik School, only to consider the pending representation and pass an order within a specific time frame, i.e. six

weeks from the date of receipt of copy of the order passed on 11.06.2012 in O.A. 448/12. We fail to understand as to how disposal of representation can take such a long time whereas the law laid down is right to know the result of the representation that too at the earliest is part of compliance of principle of natural justice and employer is also duty bound to look into the grievance of the employee as raised in the representation and reply him/her suitably without any delay. The same view has also been fortified in S.S.Rathore Vs State of Madhya Pradesh, 1990 SCC (L&S) 50 (para 17) in which the Lordships have stated as follows:

“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.”

In view of the aforesaid dicta made by the Apex Court, we direct Respondent No. 3 to appear before this Tribunal on 15.04.2013 and explain as to why order passed by this Tribunal on 11.06.2012 in

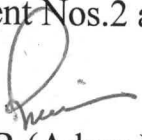


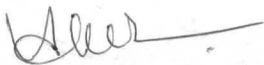
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O.A. 448/12 has not been complied with and that too only in respect of disposal of the representation.

7. Call this matter on 15.04.2013.

8. Copies of this order be handed over to Mr. B.K.Mohapatra, Ld. ACGSC for the Respondents as well as to the Ld. Counsel for the applicant.

9. Registry is also directed to send copies of this order to Respondent Nos.2 and 3 by Speed Post by tomorrow.


MEMBER (Admn.)


MEMBER(Judl.)

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