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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

OA No. 1117 of 2012
Cuttack, this the 4th day of April, 2013

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)
HON'BLE MR. R.C. MISRA, MEMBER (ADMN.)
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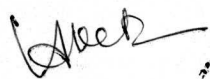
Asutosh Pradhan,
Aged about 31 years,
S/o. Harekrushna Pradhan,
At/Po. Tusra,
Dist. Bolangir,
Working as Assistant Commissioner,
Income Tax,
Sambalpur Division,
At/Po. Sambalpur.

....Applicant
(Advocate(s): M/s. B.M.Patnaik, P.R.Patnaik, S.R.Singhsamant, B.Binay)

VERSUS

Union of India Represented through

1. Secretary,
Ministry of Finance,
Department of Finance,
New Delhi.
2. National Academy of Direct Taxes,
Represented through its Asst. Director (Admn.-I),
At-Chhindwara Road,
Nagpur, Maharastra.



3. Human Resources Development Directorate,
Represented through its Deputy Director,
At-2nd floor,
I CADR Building,
Plot No. 6,
Vasant Kunj,
Institutional Colony,
Phase-II,
New Delhi-110 070.
4. Central Board of Direct Taxes,
Represented through its Under Secretary,
At-AD-VI-A,
North Block,
New Delhi.

.... Respondents

(Advocate: Mr.P.R.J.Dash)

ORDER

(Oral)

A.K.PATNAIK, MEMBER (I):

The Applicant working as Assistant Commissioner of Income Tax, Sambalpur Division, Sambalpur has filed this Original Application praying for direction to the Respondent Nos.3&4 to dispose of his representation under Annexure-3 within a period of two months and to direct the said Respondents to calculate his seniority from the date of declaration of result and for calculation of his increments w.e.f. 1.7.2010. He has sought the aforesaid relief on the context that he was selected for appointment as Assistant Commissioner of Income Tax in Indian Revenue

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Service through Civil Service Main Examination, 2008 conducted by the Union Public Service Commission. Ministry of Finance/Respondent No.1 issued letter dated 31.12.2009 enabling the applicant to join in National Academy of Direct Taxes for professional Trading Course for 16 months. The said letter was issued to him by the Respondent No.2 on 4.1.2010 which was received by the applicant on 7.1.2010. In the letter dated 31.12.2009 it was mentioned that as the course has already been commenced from 21.12.2009 the applicant was to report at NADT Nagpur immediately. In pursuance of the said letter the applicant joined at NADT Nagpur on 11.1.2010. It is the case of the applicant that though the applicant was entitled to increment by 1.7.2010, while granting similar benefits to other candidates, the applicant was denied the same on the ground that as he joined on 10.1.2010 he has not completed six months of service as on 1.7.2010. Further case of the applicant is that by making representation dated 26.11.2010 he has prayed for removal of the discrimination as delay in joining the training was not due to him but the same has not yet been considered.

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2. We have heard Mr.B.M.Patnaik, Learned Counsel for the Applicant and Mr. P.R.J.Dash, Learned Additional CGSC appearing for the Respondents and perused the records. From the record we find that ventilating his grievance the applicant submitted representation to the Director General NADT, Nagpur on 26.11.2010 who in letter dated 13.4.2011 (Annexure-4) forwarded the same to Respondent No.3/Deputy Director Human Resource Development Directorate, New Delhi for consideration. But by according to the applicant, he has not received any reply on the same till date. Time without number the Hon'ble Apex Court as also Hon'ble High Court and that of this Tribunal have deprecated delay in disposal of representation submitted by an employee and it would suffice to quote the relevant portion of a decision of the Hon'ble Apex Court rendered in the case of **S.S.Rathore -Vrs- State of Madhya Pradesh**, 1990 SCC (L&S) 50 (para 17) in which it has been held as under:

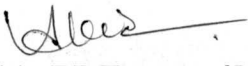
“17.Redressal of grievances in the hands of the departmental authorities take an unduly long time. That is so on account of the fact that no attention is ordinarily bestowed over these matters and they are not considered to be governmental business of substance. This approach has to be

deprecatd 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.”

3. In view of the above and in view of the fact that since no decision has been taken on the pending representations of the Applicant it would be futile to keep this matter pending by way of inviting counter and rejoinder in the matter. Hence without entering into the merit of the case at this stage this OA is disposed of with direction to the Respondent No.3 to consider the said representation of the applicant if it is still pending and communicate the decision to him in a well-reasoned order within a period of 60(sixty) days from the date of receipt of copy of this order. There shall be no order as to costs.

4. Copy of this order along with OA be transmitted to the Respondent No.2 &3 at the cost of the applicant by the Registry by Speed Post for which Learned Counsel for the Applicant undertakes to furnish the postal requisite meanwhile.


(R.C.Misra)
Member (Admn.)


(A.K.Patnaik)
Member (Judl.)