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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. No. 135 of 2013

Cuttack, this the 22nd day of March, 2013

CORAM

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

.....

1. Raghunath Jena,
Aged about 59 years,
Son of Late Bharat Jena,
Section Supervisor,
O/O PMG, Sambalpur.
 2. Purna Chandra Pradhan,
Aged about 58 years,
Son of Late Budhia Pradhan,
Postal Assistant (Co.),
Office of the Post Master General,
Sambalpur.
 3. Satya Kumar Pradhan,
Aged about 55 years,
Son of Late Baji Pradhan,
Postal Assistant (Co.),
Office of the Post Master General,
Sambalpur.
 4. Lokanath Meher,
Son of Late Harihar Meher,
Aged 50 years,
Postal Assistant Co.,
Office of the Post Master General,
Sambalpur.
 5. Madhusudan Bhoi,
Son of Late Gupteswar Bhoi,
Aged about 52 years,
Postal Assistant (Co)
Office of the Post Master General,
Sambalpur.
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6. Hrudananda Jena,
Aged about 52 years,
Son of Late Golekh Ch. Jena,
Postal Assistant (Co.),
Office of the Post Master General,
Sambalpur.

7. Nikunta Kumar Naik,
Aged about 54 years,
Son of Late Bhagirathi Naik,
Postal Assistant (Co.),
Office of the Post Master General,
Sambalpur.

(Sl.Nos.1 to 4 are At/Po.Dis.Sambalpur and
Sl.No.7 At/Po-Berhampur, Dist. Ganjam)

....Respondents

(Advocate(s): M/s. K.B.Panda,P.K.Sahoo,P.K.Padhi)

VERSUS

Union of India Represented through

1. Secretary,
Government of India,
Ministry of Communications,
Department of Posts,
At-Dak Bhawan,
Sansad Marg,
New Delhi-110 001.

2. Chief Post Master General,
Orissa Circle,
Bhubaneswar-751 001,
Dist.Khurda.

3. Director of Postal Services,
Office of Chief Post Master General,
Orissa Circle,
Bhubaneswar-751 001,
Dist. Khurda.

....Respondents

Alleg

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4. Sri Kanhu Charan Parida,
Retired as Postal Assistant (Co.)
Office of the CPMG,
Orissa Circle,
Bhubaneswar-751 001,
Dist. Khurda.

.....Proforma Respondent

(Advocate: Mr.S.B.Jena)

O R D E R

(Oral)

A.K.PATNAIK, MEMBER (I):

MA No.164 of 2013

Seven Applicants who are working as Postal Assistant (Co.) in the Office of the Post Master General, Sambalpur have filed this MA No. 164 of 2013 seeking permission of this Tribunal under Rule 4 (4) of the CAT (Procedure) Rules, 1987 to prosecute this OA jointly.

2. Copies of MA as also OA have been served, in advance, on Mr.S.B.Jena, Learned Additional Standing Counsel for the Union of India to appear for and on behalf of the Official Respondents who is present in Court today.

3. Having heard Mr.K.B.Panda, Learned Counsel appearing for the Applicants and Mr. S.B.Jena, Learned Additional Central Government Standing Counsel appearing for the

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Respondents perused the pleadings made in the MA and as agreed to by Learned Counsel for the Applicants, the prayer made in the MA to maintain this OA jointly is allowed subject to payment of additional fees of Rs.300/- (each Applicant Rs.50/- except Applicant No.1). MA No. 164 of 2013 is accordingly disposed of.

OA No. 135 of 2013.

4. Heard Mr.K.B.Panda, Learned Counsel appearing for the Applicants and Mr. S.B.Jena, Learned Additional Central Government Standing Counsel appearing for the Respondents. Also perused the order of the Hon'ble High Court of Orissa dated 11.7.2008 in WP (C) NO.14649 of 2005 (Shri D.C.Mishra and others Vrs UOI and others), orders of this Tribunal deciding similar issues dated 14th March, 2011 in OA Nos.471 of 2009 (Rajkishore Behera & 28 others Vrs UOI and others) & in OA No.472 of 2009 (Gouri Shankar Kar & 22 others Vrs Union of India and others) upheld by the Hon'ble High Court of Orissa by order dated 22.8.2011 in WP (C) Nos. 16293 and 16294 of 2011 and the order of the Hon'ble Supreme Court of India dated 1.10.2012 dismissing the appeal preferred by the Respondent-

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Department against the aforesaid order dated 22.8.2011 of the Hon'ble High Court of Orissa.

5. It is the positive case of the Applicants that though as per the aforesaid orders their pay needs to be stepped up at par with their junior, despite repeated representations, neither their pay has been stepped up till date nor have they been intimated the outcome of the representations made by them to their authority. Therefore, according to the Applicants, they have approached this Tribunal in the instant OA praying this Tribunal to direct the Respondents to extend the benefits of the circular dated 1.1.1998 to the applicants with effect from 26.6.1993 i.e. the date from which the Respondent No.4 was given the benefits of increase in the scale of pay as per the BCR scheme or in the alternative pass any other order/orders, direction/directions as deemed fit and proper under the facts and circumstances of the case.

6. Law is well settled in a plethora of judicial pronouncements that similarly situated persons are entitled to the benefit of a decision and the authority is competent to extend the same which would only save wastage of valuable time of the Department but also save exchequer expenses for contesting the



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cases if filed by other employees claiming extension of the benefits of a decision rendered on a particular point/issue.

7. Equally, it is well settled law that right to know the outcome of the consideration of representation made by an employee, 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 an employee on priority and intimate the result thereof in a reasoned order without any delay. In the instant case, it is the specific stand of the Applicants that as they stand in similar footing as that of the applicants in the aforesaid matters, they have submitted representations one after the other i.e. on 1.7.2009, 29.9.2009, 11.11.2009 and on 07.04.2011 as is evident from the reminder dated 08.01.2013 (Annexure-A/11) seeking extension of the benefits of the decisions, by way of stepping up of their pay at par with their junior but it is alleged that the same did not yield any result till date. None response to the representation of an individual employee has been deprecated by the Hon'ble Apex Court and in this connection it is apt to place reliance on the decision of the Hon'ble Apex Court 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 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.”

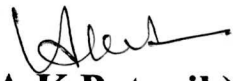
8. In view of the above and in view of the fact that since no decision has been taken on the pending representations of the Applicant it would be futile to keep this matter pending by way of inviting counter and rejoinder in the matter. Hence without entering into the merit of the case at this stage I dispose of this OA with direction to the Respondent No.2 to consider the representations of the Applicants if pending, keeping in mind the order of the Hon'ble High Court of Orissa, referred to above and communicate the decision to each of the Applicants in a well reasoned order within a period of 60(sixty) days from the date of receipt of copy of this order and if after such consideration it is found that the Applicants are entitled to the said benefits, as



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claimed by them, then the same may be paid to them within a further period of 30(thirty) days there from. There shall be no order as to costs.

9. Copy of this order along with OA be transmitted to the Respondent No.2 at the cost of the applicants at the cost of the Applicants.


(A.K.Patnaik)
Member (Judicial)

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

Dt. 12-04-2013

MA No. 264 of 2013

(Arising out of O. A. No. 135 of 2013 disposed of on 22nd March, 2013)

CORAM

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

.....

1. Raghunath Jena,
Aged about 59 years,
Son of Late Bharat Jena,
Section Supervisor,
O/O PMG, Sambalpur.
2. Purna Chandra Pradhan,
Aged about 58 years,
Son of Late Budhia Pradhan,
Postal Assistant (Co.),
Office of the Post Master General,
Sambalpur.
3. Satya Kumar Pradhan,
Aged about 55 years,
Son of Late Baji Pradhan,
Postal Assistant (Co.),
Office of the Post Master General,
Sambalpur.
4. Lokanath Meher,
Son of Late Harihar Meher,
Aged 50 years,
Postal Assistant Co.,
Office of the Post Master General,
Sambalpur.
5. Madhusudan Bhoi,
Son of Late Gupteswar Bhoi,
Aged about 52 years,
Postal Assistant (Co)
Office of the Post Master General,
Sambalpur.

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6. Hrudananda Jena,
Aged about 52 years,
Son of Late Golekh Ch. Jena,
Postal Assistant (Co.),
Office of the Post Master General,
Sambalpur.

7. Nikunta Kumar Naik,
Aged about 54 years,
Son of Late Bhagirathi Naik,
Postal Assistant (Co.),
Office of the Post Master General,
Berhampur

(Sl.Nos.1 to 6 are At/Po.Dis.Sambalpur and
Sl.No.7 At/Po-Berhampur, Dist. Ganjam)

....Respondents

(Advocate(s): M/s. K.B.Panda,P.K.Sahoo,P.K.Padhi)

VERSUS

Union of India Represented through

1. Secretary,
Government of India,
Ministry of Communications,
Department of Posts,
At-Dak Bhawan,
Sansad Marg,
New Delhi-110 001.
2. Chief Post Master General,
Orissa Circle,
Bhubaneswar-751 001,
Dist.Khurda.
3. Director of Postal Services,
Office of Chief Post Master General,
Orissa Circle,
Bhubaneswar-751 001,
Dist. Khurda.

....Respondents



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4. Sri Kanhu Charan Parida,
Retired as Postal Assistant (Co.)
Office of the CPMG,
Orissa Circle,
Bhubaneswar-751 001,
Dist. Khurda.

.....Proforma Respondent

(Advocate: Mr.S.B.Jena)

ORDER

(Oral)

A.K.PATNAIK, MEMBER (J):

The OA No. 135 of 2013 filed by the Applicants was disposed of by this Tribunal on 22nd March, 2013. Relevant portion of the order is extracted herein below:

“4. Heard Mr.K.B.Panda, Learned Counsel appearing for the Applicants and Mr. S.B.Jena, Learned Additional Central Government Standing Counsel appearing for the Respondents. Also perused the order of the Hon'ble High Court of Orissa dated 11.7.2008 in WP (C) NO.14649 of 2005 (Shri D.C.Mishra and others Vrs UOI and others), orders of this Tribunal deciding similar issues dated 14th March, 2011 in OA Nos.471 of 2009 (Rajkishore Behera & 28 others Vrs UOI and others) & in OA No.472 of 2009 (Gouri Shankar Kar & 22 others Vrs Union of India and others) upheld by the Hon'ble High Court of Orissa by order dated 22.8.2011 in WP (C) Nos. 16293 and 16294 of 2011 and the order of the Hon'ble Supreme Court of India dated 1.10.2012 dismissing the appeal preferred by the Respondent-Department against the aforesaid order dated 22.8.2011 of the Hon'ble High Court of Orissa.

5. It is the positive case of the Applicants that though as per the aforesaid orders their pay needs to be stepped up at par with their junior, despite repeated representations, neither their pay has been stepped up till date nor have they been intimated the out come of the representations made by them to their authority. Therefore, according to the Applicants, they have approached this Tribunal in the instant OA praying this Tribunal to direct the Respondents to extend the benefits of the circular dated 1.1.1998 to the applicants with effect from 26.6.1993 i.e. the date from which the RespondentNo.4 was given the benefits of increase in the scale of pay as per the BCR scheme or in the alternative pass any other order/orders, direction/directions as deemed fit and proper under the facts and circumstances of the case.

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6. Law is well settled in a plethora of judicial pronouncements that similarly situated persons are entitled to the benefit of a decision and the authority is competent to extend the same which would not only save wastage of valuable time of the Department but also save exchequer expenses for contesting the cases if filed by other employees claiming extension of the benefits of a decision rendered on a particular point/issue.

7. Equally, it is well settled law that right to know the outcome of the consideration of representation made by an employee, 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 an employee on priority and intimate the result thereof in a reasoned order without any delay. In the instant case, it is the specific stand of the Applicants that as they stand in similar footing as that of the applicants in the aforesaid matters, they have submitted representations one after the other i.e. on 1.7.2009, 29.9.2009, 11.11.2009 and on 07.04.2011 as is evident from the reminder dated 08.01.2013 (Annexure-A/11) seeking extension of the benefits of the decisions, by way of stepping up of their pay at par with their junior but it is alleged that the same did not yield any result till date. None response to the representation of an individual employee has been deprecated by the Hon'ble Apex Court and in this connection it is apt to place reliance on the decision of the Hon'ble Apex Court 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 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."

8. 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 I dispose of this OA with direction to the Respondent No.2 to consider the representations of the Applicants if pending, keeping in mind the order of the Hon'ble High Court of Orissa, referred to above and communicate the decision to each of the Applicants in a well-reasoned order within a period of 60(sixty) days from the date of receipt of copy of this order and if after such consideration it is found that the Applicants are entitled to the said benefits, as claimed by them, then the same may be paid to them within a further period of 30(thirty) days there from. There shall be no order as to costs."

2. Meanwhile in compliance of the order dated 14.3.2011

in OA Nos.471/2009 and 472/2009 the Respondents extended the

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benefit of stepping up of the pay vide letter dated 2.4.2013 in so far as Applicants in the above two OAs are concerned but denied the said benefit on the ground that the present applicants are not covered under the said order of this Tribunal. Being aggrieved by the said letter dated 2.4.2013, the applicants have filed the aforesaid MA No. 263 of 2013 seeking modification of the earlier order of this Tribunal dated 22nd March, 2013.


3. We have heard Mr.K.B.Panda, Learned Counsel for the Applicant and Mr.S.B.Jena, Learned Additional CGSC appearing for the Respondents and perused the records. We find no reason to modify the order dated 22nd March, 2013 in OA No.135 of 2013 since as per the order of this Tribunal the grievance of the applicants is yet to receive due consideration and the Respondents under obligation to consider the representation as directed by this Tribunal and communicate its decision. The letter dated 2.4.2013 does not show that the same was in compliance of the order of this Tribunal and, therefore, the second paragraph of the letter dated 2.4.2013 be treated as *nonest* in the eyes of law and accordingly, Respondent No.2 is directed to consider the representation and communicate the decision in a reasoned order to the Applicants as

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directed by this Tribunal in order dated 22nd March, 2013 in OA No. 135 of 2013. MA is accordingly disposed of.

4. However, it was submitted by Mr. Panda, Learned Counsel for the Applicants that there has been a typographical error in the cause title of the earlier order inasmuch as instead of "Sl.Nos.1 to 4 are At/Po.Dis.Sambalpur" it should be 'Sl.Nos.1 to 6' which needs rectification. Prayer allowed. Instead of Sl.Nos.1 to 4 are at/Po.Dist. Sambalpur it should be treated Sl.Nos. 1 to 6 are at/Po/Dist. Sambalpur for all purposes.


(A.K.Patnaik)
Member (Judicial)