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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A. No.161 of 2013
Cuttack this the 25th day of March, 2013

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)
HON'BLE MR.R.C.MISRA, MEMBER (ADMN.)
.....

Sri Dinabandhu Prusty,
Aged about 57 years,
S/o. Shri Subal Prusty,
Plot No. 7074,
Bishuddhananda Nagar,
Shyampur,
Bhubaneswar-751 003,
Dist. Khurda
State-Odisha
Retired Draftsman,
Division-I,
Odisha Geospatial Data Centre,
Survey of India,
Bhubaneswar-751 013,
Dist.Khurda,
State –Odisha

.... Applicant

By the Advocates: (Mr.K.C.Kanungo & Ms.Chitra Padhi)

-VERSUS-

Union of India represented through -

1. The Secretary to Government of India
Ministry/Department of Science & Technology,
Technology Bhawan,
New Mehrauli Road,
New Delhi-110 016.

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2. The Surveyor General of India,
Survey of India,
Hathibarkala Estate,
Dehra Dun-248 001,
Uttarakhand
3. The Additional Surveyor Genera,
Eastern Zone,
15, Wood Street,
Kolkata-700 016
West Bengal.
4. The Director,
Odisha Geospatial Data Centre,
Survey of India,
2nd Floor,
Survey Bhawan,
Bhubaneswar-751 013,
Dist. Khurda,
Odisha.

..... Respondents

By the Advocates: (Mr.D.K.Bhera)

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(Oral)

A.K.PATNAIK, MEMBER (J)

According to the Applicant by computing the residency period from 1.1.1982, he has already completed 30 years of regular service as on 01.01.2012 and thus, is/was entitled to third financial up gradation in terms of paragraph 28 C of the MACP Scheme but despite representation dated 2nd January, 2012 to the Surveyor General of India, Survey of India, Block 'B" Hathibarkala Estate, Dehra Dun-248 001 State of Uttarakhand (Respondent No.2), neither he has been granted 3rd

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financial up gradation, as per the MACP Scheme, nor has he been communicated any reply on the said representation till date. Hence being aggrieved by the said action/inaction of the Respondents; especially Respondent No.2, he has filed the instant Original Application U/s.19 of the Administrative Tribunals Act, 1985, praying for direction to the Respondents to grant the Grade Pay of Rs.5400 in PB-3, as due and admissible to him w.e.f. 01.01.2012 in terms of the order at Annexure-A/4 and pay him the consequential benefits retrospectively.

2. Heard Mr. K.C.Kanungo, Learned Counsel appearing for the Applicant and Mr. D.K.Bhera, Learned Additional CGSC (on whom copy of this OA has been served) appearing for the Respondents and perused the pleadings and material placed in support thereof by the Applicant.

3. 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 an employee, raised in the representation and reply him/her in a suitable manner, without any delay. In the instant case, as it appears, though the Applicant submitted representation ventilating his grievance on 2nd January, 2012, he has not received any reply or the benefit to which he is

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entitled to till date. It is apt for us 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.”

3. 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 OA at this admission stage with direction to the Respondent No.2 to consider and dispose of the representation of the Applicant dated 02-01-2012 (AAnnexure-5) and communicate the decision in a well reasoned order to the applicant within a period of two months from the date of receipt of copy of this order and if it is considered that the applicant is entitled to 3rd financial up gradation under MACP scheme then the same

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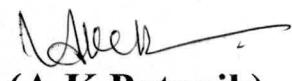
may be paid/granted to him within a period of two months there from.

There shall be no order as to costs.

4. Copy of this order along with OA be sent to the Respondent No.2 at the cost of the applicant. Postal requisite, for the above purpose, shall be furnished, as undertaken by the Learned Counsel for the Applicant, within a period of three days hence.


(R.C.Misra)

Member (Admn.)


(A.K.Patnaik)

Member (Judicial)