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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

**O.A. No.266 of 2013
Cuttack, this the 3rd day of May, 2013**

CORAM

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

Shri Bansidhar Ojha,
Aged about 70 years,
S/o. Late Gaurahari Ojha,
Ex-GDS BPM,
At/Po-Bodakapatna,
Via-Randiahat,
Dist.Bhadrak.

.....Applicant

(By Advocate(s): M/s.D.P.Dhalsamanta,N.M.Rout)

-Versus-

Union of India represented through

1. Director General of Posts,
Government of India,
Ministry of Communications,
Department of Posts,
Dak Bhawan,Sansad Marg,
New Delhi,Pin-110 001.
2. Chief Post Master General,
Odisha Circle,
Bhubaneswar, Dist.Khurda,
Pin-751 001.

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3. Director Postal Services,
Sambalpur Region,
At/Po/Dist.Sambalpur-768 001.
4. Superintendent of Post Offices,
Bhadrak Division,
At/Po/Dist.Bhadrak.

..... Respondents

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

0 R D E R (oral)

MR. A.K. PATNAIK, MEMBER (J):

The case of the Applicant, in nut shell, is that while working as EDBPM/GDSBPM, he was placed under off duty and was subsequently, removed from service as a measure of punishment in a departmental proceedings initiated against him. On consideration of the appeal preferred by him against the order of removal, the Appellate Authority remitted the matter back to the Disciplinary Authority for de novo enquiry. The Disciplinary Authority, instead of conducting the proceeding de novo, issued fresh charge sheet based on which charge sheet the applicant was again imposed with the punishment of removal. The applicant filed OA No.246/1991 before this Tribunal challenging the said order of punishment and this

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Tribunal vide order dated 16.11.1995 quashed the second charge sheet and directed the Disciplinary Authority to conduct the de novo enquiry as directed by the Appellate Authority and complete the proceedings within a period of 120 days from the date of receipt of the copy of the order. In gross disregard to the orders of this Tribunal and the Appellate Authority, the authority proceeded with the enquiry on the basis of the second charge sheet. Being aggrieved, the applicant again approached this Tribunal in OA No. 456 of 1998. This Tribunal vide order dated 23.12.2003 quashed the first charge sheet and directed the Respondents to reinstate the applicant to service with all consequential benefits. Respondent-department challenged the said order of this Tribunal in WP (C) No.6274 of 2004 but the Hon'ble High Court of Orissa dismissed the said order on 5.1.2010 thereby upholding the order of this Tribunal dated 23.12.2003. During the pendency of the said Writ Petition before the Hon'ble High Court of Orissa, the Applicant was reinstated to service on 17.4.2004 and superannuated from service w.e.f. 4.4.2008.

ii. Further case of the Applicant is that even after superannuation he was not paid his ex gratia gratuity for which he has approached this Tribunal in OA No. 361/2008. The said OA was disposed of on 18.2.2010 directing the Respondents to pay the



applicant ex gratia gratuity by the end of March,2010. In compliance of the said order of this Tribunal the applicant was paid ex gratia gratuity amounting to Rs.48,000/- and according to him the amount paid to him towards ex gratia gratuity was much less than to which he was/is entitled under Rules.

iii. Next contention of the Applicant is that he submitted representation against such less payment stating therein that he was paid Rs.1250/- p.m. towards Time Related Continuity Allowance (in short TRCA) from the date of his reinstatement till the date of his superannuation whereas his predecessor was paid Rs.1850/- p.m. towards TRCA. According to him, he was entitled to Rs.1,20,000/- instead he was paid Rs. 48,000/- towards ex gratia gratuity. By placing reliance on the information which he had received under RTI Act, 2005 and placed at Annexure-A/3 it has been contended by him that his predecessor (N.Swain) was granted Rs.1720/- plus allowances towards TRCA whereas for the same post the applicant was granted only Rs.1280/- p.m. plus allowances towards TRCA and accordingly him, such less payment is against the principle 'equal pay for equal work' as enshrined under Article 39(d) of the Constitution of India.

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iv. Hence, by filing the instant OA, the Applicant has prayed for issuance of direction to the Respondents to grant him TRCA of Rs.1720/- plus allowances w.e.f. 17.4.2004 and revised TRCA w.e.f. 1.1.2006 to 4.4.2008 and pay all the ~~arrears~~^{due} dues within a stipulated period. Further prayer of the applicant is for direction to the Respondents to pay him Rs.60,000/- & Rs.60,000/- towards Ex-gratia gratuity and Severance amount respectively.

2. Heard Mr.D.P.Dhalsamanta, Learned Counsel for the Applicant and Mr.P.R.J.Dash, Learned Additional CGSC (on whom copy of this OA has been served) appearing for the Respondents and perused the records.

3. The present grievance of the applicant is against nonpayment of his retirement dues. We find that the applicant retired from service on 4.4.2008. He is aged about 70 years. It is the specific case of the applicant ^{that} ~~that~~ after making representation he had also personally approached the Respondent No.4 for consideration of his grievance. Even then it is ~~shocked~~^{ing} to note that no reply has been communicated to him till date. When Applicant ventilated his grievance through successive representations it was the bounden duty of the authority to whom such representations have been addressed to redress the same at an early date. The employee also

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expects which is legitimate to receive a reply from his employer. In this connection we would rely the 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 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.”

4. In view of the above, to avoid delay in payment of the dues if the applicant is otherwise entitled to as per Rules, this OA is disposed of at this admission stage with direction to the Respondent No.4 to consider the grievance of the applicant as raised in his representation dated 25.9.2010 at Annexure-A/2 and communicate the decision in a well-reasoned order to the applicant within a period of six weeks from the date of receipt of this order and if it is held that the applicant is entitled to the benefit as claimed by him, as per rules, then the same may be paid/disbursed to him within a further period of two weeks therefrom. There shall be no order as to costs.

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5. Copy of this order along with OA be transmitted to Respondent No.4 at the cost of the Applicant; for which Learned Counsel for the Applicant undertakes to furnish the required postal requisite by 6.5.2013 for compliance.


(R.C.MISRA)
Member(Admn.)


(A.K.PATNAIK)
Member (Judi.)