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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 487 OF 2013
Cuttack, this the 31st day of July, 2013

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

R. Sanyasi Sai Ram,
aged about 43 years,
Son of Late R. Biswanatham,
At-Bramha Nagar, New Bus stand Road,
Berhampur, Dist. Ganjam.

Advocate(s)..... M/s. S.K. Rath, A.K. ChoudhuryApplicant

VERSUS

Union of India represented through

1. Secretary,
Department India,
Department Posts,
Dak Bhawan, New Delhi-11.
2. Chief Post Master General,
Odisha Circle, Bhubaneswar,
Dist-Khurda, Odisha.
3. Superintendent of Post Offices,
Berhampur Division,
Head Post Office,
At/P.O. Berhampur,
Dist-Ganjam.
4. Additional Director General (ADG) Pension,
Dak Bhawan, New Delhi-11.

..... Respondents

Advocate(s)..... Mr. R.C. Behera

Behera

O R D E R (O R A L)

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

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Heard Mr. S.K.Rath, Ld. Counsel for the applicant, and Mr. R.C.Behera, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served.

2. The Applicant stated to be disabled (born blind) and son of an Ex-Postmaster, late R.Biswanatham, has filed this O.A. with a prayer to direct the Respondents to release the monthly family pension under Rule 54 of the C.C.S. (Pension) Rules, w.e.f the date of death of his father which occurred on 19.05.2010.

3. Mr. Rath, Ld. Counsel for the applicant, submitted that the applicant is born blind and his father after retirement from postal service was getting family pension vide PPO No. Ch-1441-P dated 15.01.1988 w.e.f. 01.02.1988 till his death on 19.05.2010. He submitted that after the death of the father of applicant, pension has been stopped as because the mother of the applicant had predeceased the father of the applicant on 01.05.1998. Drawing our attention to provisions made under Rule 54 of the CCS (Pension) Rules, Mr. Rath submitted that applicant being born blind is entitled to family pension w.e.f. 20.05.2010 and he has already made application and has submitted all the required papers before Respondent No.3 on 19.06.2010, which has been annexed under Annexure-A/4. In response to the submission of all those documents, Sr. Supd. of Post Offices (Respondent No.3) vide letter dated 22.06.2010 addressed to the Asst. Supd. of Post Offices BF, North Sub Division, directing to collect the pension papers as well as other documents but after receipt of all those documents the authorities are sitting ^{tight} ~~and~~ and no decision has been taken regarding

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payment of family pension to the applicant. Aggrieved by the inaction of Respondent No.3, i.e. Supd. of Post Offices, Berhampur Division, applicant made representation on 24.11.2010 praying for sanction of family pension by referring to the letter No. C-3/Misc-Pension/CK-1441-P/Dtd. 29.10.2010. Mr. Rath submitted that till date no reply has been received by the applicant from the said authority. Finding no way out, applicant again made representation to the Additional Director General Pension, (Respondent No.4) ventilating all his grievances as well as highlighting the inaction of the Sr. Supd. of Post Offices, Berhampur Division, vide his representation dated 06.05.2011. Mr. Rath submitted that till date no reply has been received from Respondent No.4 also.

4. On the other hand, Mr. R.C.Behera, Ld. ACGSC, has no immediate instruction regarding consideration of the representations made by the applicant on 24.11.2010 and 06.05.2011 to Respondent Nos. 3 and 4 respectively.

5. Law is well settled that 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 the employee and respond to him in a suitable manner, without any delay. In the instant case, as it appears, though the applicant submitted representation ventilating his grievance on 24.11.2010 and 06.05.2011, he has not received any reply or got the benefit to which he is entitled to till date. It is apt for us to place reliance on the decision of the Hon'ble Supreme Court of India in the case of S.S.Rathore-Vrs-State of Madhya Pradesh, AIR1990 SC Page 10 / 1990 SCC (L&S) Page 50 (para 17) in which it has been held as under:

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"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."

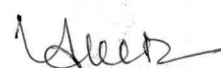
6. Accordingly, without entering into the merits of this case, and keeping in mind the aforesaid dicta of the Hon'ble Apex Court, we dispose of this O.A. by directing Respondent Nos.3 and 4 to consider the representation made to them on 24.11.2010 and 06.05.2011 respectively by the applicant and communicate the result thereof to the applicant by way of a well reasoned order within 30 days from the date of receipt of a copy of this order. If after such consideration, the applicant is found to be entitled to certain admissible dues/family pension as claimed by him, immediate steps be taken to release the aforesaid pension in his favour taking into consideration the blindness of the applicant.

7. With the aforesaid order and direction, the O.A. stands disposed of at the stage of admission itself.

8. As prayed for by Mr. Rath, Ld. Counsel for the applicant, copy of this order along with paper book be sent to Respondent No. 3 & 4 at the cost of the applicant. He undertakes to file the postal requisites by 05.08.2013.


MEMBER (Admn.)

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MEMBER (Judl.)