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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. No. 561 of 2013
Cuttack this the 22nd day of August, 2013

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

.....

Laxmidhar Bhoi, aged about 70 years, Son of Late Shyamsundar Bhoi, retired Deputy Conservator of Forests, At-Getagram, PO. Angul-759 122, Dist. Angul.

.....Applicant

(By the Advocate(s)-M/s.Krushna Ram Mohapatra, S.Ghosh)

-VERSUS-

Union of India represented through

1. Secretary in the Ministry, Environment and Forests, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi-110 003.
2. Principal Secretary to Government of Odisha, GA Department, At-Odisha Secretariat, Bhubaneswar, Dist. Khurda.
3. The Principal Secretary to Govt. of Odisha in the Department of Forest and Environment, At-Odisha Secretariat, At/Po.Bhubaneswar, Dist. Khurda.
4. Accountant General, Odisha, At/Po.Bhubaneswar, Dist. Khurda.

.....Respondents

(By the Advocate(s)-Mr.G.C.Nayak & Mr. D.K.Behera)

ORDER

(Oral)

A.K.PATNAIK, MEMBER (JUDL):

The case of the applicant, in nut shell, is that as per the UPSC DPC list of 1996, S/Shri Sarat Kumar Mishra, G.Ranga Patra, R.N.Sahoo, A.K.Patra, B.K.Kanungo joined IFS cadre on 14.1.1997 and the applicant joined in IFS cadre in Senior Scale on 14.3.197 as

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per the Notification dated 14th March, 1997 of the Government of India, New Delhi. On attaining the age of superannuation of 60 years, he retired from service w.e.f. 31.3.2002. He was not intimated the year of allotment in IFS cadre till his retirement. Later on, from the notification of the Government of India dated 8.6.2010, he came to know that Shri L.K.Dash, IFS and Shri B.N.Mohanty, IFS have been allotted 1991 as the year of promotion. The above two officers joined the cadre after his joining and as per the All India Service disposition list the applicant was senior to Shri Dash and Shri Mohanty. Hence, as per the IFS Senior Scale, he was eligible for Junior Administrative Grade (nonfunctional) after completion of nine years from the year of allotment and, therefore, his year of allotment should have been 1991 entitling him to get the Junior Administrative Grade Scale w.e.f. 1.1.2000. Further case of the applicant is that the said representation was duly forwarded by the Respondent No.2 to the Director, Government of India, O/O. the Respondent No.1 vide letter dated 26th July, 2012 (Annexure-A/7) but as nothing has been communicated to him nor has he been paid his dues he has been undergoing heavy financial loss in each and every month even after his retirement. In the above circumstances, by filing the instant OA, the applicant prays to direct the Respondent No.1 to re-determine the seniority and pay and pension on the basis of the year of allotment as 1991 as per the

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proposal submitted vide letter dated 26.7.2012 (Annexure-A/7) and to disburse the dues as has been done in respect of other similarly situated persons vide order dated 8.6.2010 (Annexure-A/4).

2. We have heard Mr.S.Ghosh, Learned Counsel for the Applicant, Mr.G.C.Nayak, Learned Government Advocate for the State of Odisha, appearing for Respondent Nos. 2&3 and Mr.D.K.Behera, Learned Additional CGSC for the Union of India, appearing for Respondent Nos.1 & 4 and perused the records.

3. On being asked, Mr.G.C.Nayak, Learned Government Advocate for the State of Odisha submitted that as the Applicant is an All India Service Officer and Government of India is the competent authority to redress the present grievance of the applicant, on receipt of the representation the same was duly forwarded to the Respondent No.1 vide letter dated 26.7.2012 (Annexure-A/7). As no reply has been received from the Government of India on the said letter, the Government of Odisha are unable to grant the relief as claimed by the applicant in this OA. Mr.D.K.Behera, Learned Additional CGSC for the Union of India appearing for the Respondent Nos.1&3 submitted that he has no immediate instruction of the up-to-date position of the representation forwarded by the Government of Odisha in letter dated 26.7.2012 (Annexure-A/7). Accordingly, he has prayed that if time is allowed he can obtain



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instruction and apprise this Tribunal about the latest position of the representation submitted by the applicant. We find that the applicant is 70 years old and has been waiting with legitimate hope and aspiration for early redressal of his grievance since long. Redressal of grievance in the hands of the authority at the first instance is ^{of R} utmost importance for adjudication of the service grievance of an employee. Since representation submitted by the applicant and forwarded by the Respondent No.2, as stated by the applicant, is still lying with Respondent No.1, we feel it just and proper to dispose of this OA, at this admission stage, without expressing any opinion on the merit of the matter, in directing the Respondent No.1 to take a firm view on the representation which was duly forwarded by the Respondent No.2 in letter under Annexure-A/7 and communicate the result thereof in a well-reasoned order to the applicant within a period of 45 days from the date of receipt of copy of this order. In case, after giving consideration, it is held that the applicant is entitled to the benefit, then the same shall be paid to ^d ~~him~~ within a period of another 30 days from the date of the said order. In case in the meantime any decision has been taken on the pending representation of the applicant then the result thereof shall be communicated to the applicant within a period of fifteen days from the date of receipt of this order. Ordered accordingly. There shall be no order as to costs.


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4. As prayed for, copy of this order along with OA be sent to the Respondent Nos. 1&2 by speed post, at the cost of the applicant; for which learned counsel for the applicant undertakes to deposit the required postal requisite within a week in the registry.


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


(A.K.PATNAIK)
Member (Judl.)