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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 681 OF 2013

Cuttack, this the 13th day of November, 2013

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

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Aruna Kumar Mohanty,
aged about 59 years,
Son of Late Brajabandhu Mohanty,
Sub-Postmaster (under suspension)
resident of Village-Dhumat Sasan, P.O-Indupur,
Dist-Kendrapara, Odisha.

.....Applicant

Advocate(s).....M/s. K.C. Kanungo, Miss Chitra Padhi.

VERSUS

Union of India represented through

1. The Secretary, Communication-cum-D.G. Posts,
Dak-Bhawan, New Delhi-1.
2. Chief Postmaster General,
Orissa Circle, Bhubaneswar-751001,
Dist-Khurda, Odisha.
3. Director of Postal Services, Odisha,
Office of the Chief Postmaster General,
Orissa Circle, Bhubaneswar-751001,
Dist-Khurda, Odisha.
4. The Superintendent of Post Offices,
Cuttack North Division,
At/P.O/Dist-Cuttack, Odisha

..... Respondents

Advocate(s).....

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ORDER (ORAL)

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

The Applicant Aruna Kumar Mohanty while working as Sub-Postmaster Karilopatna Sub-Post Office under Kendrapara Head Post Office was placed under suspension by the Superintendent of Post Offices, Cuttack North Division, Cuttack (Respondent No.4) vide order dated 09.10.2012 (Annexure-A/7), in which it was also ordered that the headquarters of the Applicant should be at Karilopatna and he should not ~~be~~ left the headquarters without obtaining the prior permission of the competent authority i.e., Respondent No.4. Being aggrieved by the said order of suspension, the applicant submitted representation by way of appeal as per Rules to the Director of Postal Services, Orissa Circle, Bhubaneswar (Respondent No.3) on 19.07.2013. Alleging inaction / no action on the said representation, the applicant has approached the Tribunal in the present O.A. filed under Section 19 of the Administrative Tribunals Act, 1985 praying therein as under:-

“Your lordship may be graciously pleased to quash Annexure-A/7 for the end of justice.

Be further pleased to direct the Respondent No.4 to fix the headquarters of the Applicant at Rajnagar in pursuance to Annexure-A/2, A/3 and A/4 for the ends of justice.

Be further pleased to direct the Respondent No.4 to facilitate the payment of subsistence allowance with upward revision @75% per month with effect from the date of order of suspension at Rajnagar Sub-Office within such time as the Hon'ble Tribunal deems it fit and proper in the exigency of circumstances and for the ends of justice.”

Amber

2. A resolution has been made and communicated by the C.A.T.

Bar Association to the extent as under:

“As per the resolution dt. 13.11.2013 of C.A.T. Bar Association, it is unanimously decided to abstain from Court work till 15.11.2013 i.e. including 15.11.2013”.

In view of the above, Ld. Counsel for either side is not present.

Perused the materials placed on record.

3. The Hon'ble Apex Court in the case of **S.S.Rathore –Vrs- State of Madhya Pradesh**, 1990 SCC (L&S) 50 (in paragraph 17) has been pleased to observe 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. Keeping in mind the facts and aforesaid dicta of the Hon'ble Apex Court, ^g observed that when the applicant made a representation on 19.07.2013, he has a right to know the result thereof. Hence, without expressing any opinion on the merit of the matter, this OA is disposed of at this admission stage with direction to the Respondent No.3 to take a decision on the said representation dated 19.07.2013 and communicate the result thereof, in a well-reasoned order, at an early date, preferably within a period of 60 days from the date of receipt of copy of this order to the Applicant. If in the meantime the representation so preferred has already been disposed of, the result thereof shall be communicated to the applicant within a period

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of fifteen days from the date of receipt of copy of this order. There shall be no order as to costs.

5. Applicant is at liberty to produce copy of the order before the Respondent No.3, who on receipt of the order, shall do well to comply with the order within the stipulated period as directed above. Copy of this order be also communicated to Respondent No.3 by the Registry by Speed Post in course of the day.


(A.K. PATNAIK)
MEMBER (J)

K.B.