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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. NO. 695 OF 2013
Cuttack, this the 10th day of October, 2013

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

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1. Gayadhar Sethi,
aged about 43 years,
Son of Late Gajendra Sethi.
2. Arun Kumar Panda,
aged about 45 years,
Son of Krushna Chandra Panda.
3. Purnendu Sekhar Senapati,
aged about 54 years,
Son of Late Bhudhar Chandra Senapati.
4. T.Sairam Patro,
aged about 42 years,
Son of Late T. Raghunath Patro.
5. Sanjeevan Bodra,
aged about 51 years,
Son of Jolian Bodra.
6. Kunja Bihari Das *Babu*
aged about 48 years, *Ad*
Son of Late Sitaram Das Babu.
7. Nilamani Sahoo,
aged about 52 years,
Son of Harihar Sahoo.
8. Loknath Naik,
aged about 42 years,
Son of Ghasiram Naik.
9. Hemanta Kumar Bage,
aged about 41 years,
Son of Abhiram Bage.
10. Dayanidhi Nayak
aged about 46 years,
Son of Jaladhar Nayak.
11. Ranjan Kumar Naik,
aged about 41 years,
Son of Duryodhan Naik.

12. Jyoti Ekka,
aged about 43 years,
Daughter of Late Libnus Ekka.

13. Baburam Dey,
aged about 42 years,
Son of Bhagaban Chandra Dey.

14. Jyotsnarani Nayak,
aged about 42 years,
Daughter of Dinabandhu Nayak.

15. Ram Chandra Majhi,
aged about 44 years,
Son of Maha Majhi.

16. Ranjan Kumar Naik,
aged about 40 years,
Son of Late Khetramohan Naik.

17. Asit Kumar Pradhan,
aged about 45 years,
Son of Late Janmejaya Pradhan.

(Applicant Nos. 1 to 17 are working as Technical Officer-A,
Integrated Test Range, Chandipur, Balasore-756025)

18. Laxmikanta Chand,
aged about 51 years,
Son of Late Satish Chandra Chand.

19. Siba Nath Paul,
aged about 55 years,
Son of Late Nani Gopal Paul.

(Applicant Nos. 18 to 19 are working as Technical Officer-A,
Defence Research & Development Organization, Proof &
Experiential Establishment, Chandipur, Balasore-756025)

.....Applicants

Advocate(s) M/s. B.P.Satapathy, B.K.Nayak, A.K.Sahoo, S.Pradhan.

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Union of India represented through

1. The Secretary,
Ministry of Defence,
Defence Research & Development Organization,
New Delhi-110054.

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2. Director General, R & D,
Defence Research & Development Organization,
Directorate of Human Resource Development,
DRDO Bhawan, Rajaji Marg,
New Delhi-110105.

3. Director,
Integrated Test Range,
Ministry of Defence,
Chandipur-756025,
Dist- Balasore.

4. Director,
Proof & Experiential Establishment,
Ministry of Defence,
Chandipur-756025,
Dist- Balasore.

..... Respondents

Advocate(s) :

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ORDER (ORAL)

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

Heard Mr. Kunja Bihari Das Babu, applicant no. 6, who is present in the Court in person.

2. A resolution has been made and communicated by the C.A.T. Bar Association to the extent as under:

“In continuation to our earlier resolution dt. 27.09.2013, 03.10.2013 & 07.10.2013, the emergent general body of C.A.T. Cuttack Bench Bar Association unanimously resolved to abstain from Court work till 21.10.2013”.

In view of the above, none appears for the Respondents-department.

3. M.A.No. 719/13 filed under Rule 4 (4) of the Administrative Tribunals Act for joint prosecution of this case by 19 applicants is allowed.

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4. Applicant No. 6, who is present in the Court in person, submitted that all the applicants are similarly situated persons. He further submits that similarly placed persons have also ventilated their grievance before the Chandigarh Bench of this Tribunal in O.A. No. 846-Ch-2013. In this O.A. the applicants have prayed to quash the order dated 10.05.2013 and the consequential/follow up orders issued on 13.05.2013, 30.05.2013 and 09.09.2013.

5. Section 20 of the Administrative Tribunals Act, 1985 stipulates as under :

"20. Application not to be admitted unless other remedies exhausted -

(1) A Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances.

(2) For the purposes of sub-section (1), a person shall be deemed to have availed of all the remedies available to him under the relevant service rules as to redressal of grievances, -

(a) if a final order has been made by the Government or other authority or officer or other person competent to pass such order under such rules, rejecting any appeal preferred or representation made by such person in connection with the grievance; or

(b) where no final order has been made by the Government or other authority or officer or other person competent to pass such order with regard to the appeal preferred or representation made by such person, if a period of six months from the date on which such appeal was preferred or representation was made has expired.



(3) For the purposes of sub-sections (1) and (2), any remedy available to an applicant by way of submission of a memorial to the President or to the Governor of a State or to any other functionary shall not be deemed to be one of the remedies which are available unless the applicant had elected to submit such memorial."

But we find that after issuance of the order dated 10.05.2013 as well as the consequential/follow up orders dated 13.05.2013, 30.05.2013 and 09.09.2013, the applicants have not ventilated their grievance before any of the authorities. On being asked, applicant No.6 Mr. Das Babu submitted that they have already filed representations but have not received any reply from the authorities and, accordingly, prays that time may be stipulated for disposal of the representations made by the applicants and till such time the orders dated 10.05.2013, 13.05.2013, 30.05.2013 and 09.09.2013 be stayed. But, in the absence of any documentary evidence, we are unable to accede to any such prayer made by the applicant no.6, who is appearing on behalf of all the applicants. However, as agreed to by the applicant no. 6, without expressing any opinion on the merit of this case, we dispose of this O.A. at the stage of admission itself by granting liberty to all the applicants to make individual representations to Respondent No. 2 with copy to Respondent No. 3 within a period of 7 days and if such representations are made within 7 days then Respondent Nos. 2 and 3 are hereby directed to consider their representations, keeping in mind the extant rules and provisions and communicate them the result



thereof by way of reasoned and speaking order within a further period of four weeks from the date of receipt of copy of representations.

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

7. Copy of this order, along with paper book, be transmitted to Respondent Nos. 2 and 3 by Speed Post at the cost of the applicant, for which Mr. Das Babu, applicant no. 6, undertakes to file the postal requisites in course of the day.

MEMBER (Admn.) 


MEMBER (Judl.)

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