

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. No. 719 of 2013

Cuttack the 31st day of October, 2013

CORAM

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

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Harihar Muduli, aged about 30 years, Son of Udayanath Muduli permanent resident of At/Po. Serapur, Via-Dola Sahi, PS/Dit. Bhadrak, Odisha at present working as a Helper-II under Senior Section Engineer/Train Lighting/East Coast Railway, Puri.

...Applicant

(Advocates: M/s.N.R.Routray & T.K.Choudhury)

VERSUS

Union of India Represented through –

1. The General Manager, East Coast Railway, E.Co.R.Sadan, Chandrasekharpur, Bhubaneswar, Dist. Khurda.
2. Divisional Personnel Officer, East Coast Railway, Khurda Road Division, At/Po. Jatni, Dist. Khurda.
3. Senior Divisional Electrical Engineer (G)/East Coast Railway/Khurda Road Chief Workshop Manager, Carriage Repair Workshop, East Coast Railway, Mancheswar, Bhubaneswar, Dist. Khurda.
4. Addl. Personnel Officer/Bills, East Coast Railway, Khurda Road Division, At/Po.Jatni, Dist. Khurda.
5. Sr. Section Engineer/Train Lighting/E.Co.Rly., Railway Campus, At/Po. Station Bazar, Town/Dist. Puri.

..... Respondents

(Advocate:)

O R D E R

Oral

A.K. PATNAIK, MEMBER (JUDL.)

The Applicant (Shri Harihar Muduli) working as a Helper II under Senior Section Engineer/Train Lighting/East Coast Railway, Puri has filed this Original Application praying for a direction to the Respondents to revise his pay to PB I of Rs.5200-20200/- with GP Rs.1800/- w.e.f.

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07.4.2009 and to direct the Respondents to pay him the differential arrear salary from 07.4.2009 to 10.04.2013 with 12% interest for the delayed period.

2. A Resolution has been made and communicated by the CAT Bar Association to the extent as under:

“In continuation to our earlier resolution dated 27.9.2013, 1.10.2013, 03.10.2013, 07.10.2013 and 10.10.2013 and in view of the resolution dated 21.10.2013 of High Court Bar Association, the emergent General Body meeting of CAT Bar Association resolved unanimously today at about 10.30 to continue abstain from Court work till 24.10.2013.”

3. In view of the above, none appears for either of the parties. However, I have perused the records. I find that one of the grievance of the applicant is that though he has submitted representations praying for grant of the relief as claimed in this OA but nothing has been communicated to him till date.

4. Section 19 of the Administrative Tribunals Act, 1985 inter alia provides as under:

“19. Applications to Tribunals – (1) Subject to other provisions of this Act, a person aggrieved by any order pertaining to any matter within the jurisdiction of a Tribunal may make an application to the Tribunal for the redressal of his grievances.

EXPLANATION – For the purpose of this sub section “order” means **an order made –**

(a) By the Government or a local or other authority within the territory of India or under the control of the Government of India or by any corporation (or society) owned or controlled by the Government; or

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(b) By an officer, committee or other body or agency of the Government or a local or other authority or Corporation (or Society) referred to in Clause (a)."

5. No order has been challenged in this OA. Redressal of grievance relating to service matter of an employee, at the hands of the authority, at the first instance, besides being sine qua non, would minimize the expenses of the Department and save the time of the Authority and Court. In view of the above especially keeping in mind the specific provisions of the A.T. Act, 1985 this OA would not have been entertained and would have been dismissed at this admission stage. However, 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 it has been pleased to hold 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."

6. In view of the facts and law stated above, since no decision has been taken on the representations till date 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.4 to take a decision on the representations

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dated 08.01.2013/04.05.2013 and communicate the result thereof to the applicant in a well-reasoned order at an early date preferably within a period of sixty days from the date of receipt of copy of this order. If the representations have already been disposed of, the result thereof shall be communicated to the applicant within a period of fifteen days from the date of receipt of copy of this order. Further it is directed that in the event it is found that the applicant is entitled to the benefit as claimed by him the same should be paid to him within a period of sixty days from the date of such decision. There shall be no order as to costs.

7. Applicant is at liberty to produce copy of the order before the Respondent No.4, who on receipt of the order, shall do well to comply with the order within the stipulated period as directed as above.

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(A.K.Patnaik)
Member (Judicial)