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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 720 of 2013

Cuttack the 31st day of October, 2013

CORAM

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

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Parsuram Nayak, aged about 53 years, Son of Late Anadi Charan Nayak resident of Quarter No.S-1/82, Niladri Vihar, PO. Sailashree Vihar, Chandrasekharpur, Bhubaneswar, Dist. Khurda at present working as a Welder Grade-II, Office of CWM/CRW/East Coast Railway/Mancheswar, Bhubaneswar, Dist. Khurda.

...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. Chief Workshop Manager, Carriage Repair Workshop, East Coast Railway, Mancheswar, Bhubaneswar, Dist. Khurda.
3. Workshop Personnel Officer, Carriage Repair Workshop, E.Co.Rly, Mancheswar, Bhubaneswar, Dist. Khurda.

..... Respondents

(Advocate:)

O R D E R Oral

A.K. PATNAIK, MEMBER (JUDL.)

The Applicant who is working as a Welder Grade-II in the Office of the CWM/CRW/ECoRly/Mancheswar, Bhubaneswar, Dist.Khurda/Odisha has filed this praying for direction to the Respondents to grant him first financial up gradation, under ACP and pay him the differential arrear salary by refixing his pay in the scale of Rs.4000-6000/- w.e.f. 01.4.2000.

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 in which it has been stated by the Applicant that he initially joined as Welder Grade III on 30.3.1988 in the pay scale of Rs.950-1500/- and subsequently he was regularized in the said grade w.e.f. 04.9.1997. According to the Applicant, he was entitled to first financial up gradation under ACP after completion of 12 years of service by computing his period of service from 31.3.1988 in pursuance of the order of this Tribunal dated 192 of 2010 which was upheld by the Hon'ble High Court of Orissa in WP (C) No. 12425 of 2012 and Hon'ble Supreme Court in SLP No. 11040 of 2013. But despite the above, even after lapse of more than six months of submission of representation dated 14.2.2013 followed by reminder dated 10.10.2013 neither he has been granted his legitimate dues of first financial up gradation under ACP nor has he been favoured with a reply on his representation.

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.

EXPLANATON _ 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

(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 representation 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.3 to take a decision on the representation dated 14.2.2013 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 representation has 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 first financial up gradation under ACP as claimed by him in his representation then 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.3, who on receipt of the order, shall do well to comply with the order within the stipulated period as directed as above.

(A.K.Patnaik)
Member (Judicial)