

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

**ORIGINAL APPLICATION NO. 724 OF 2013
CUTTACK, THIS THE 15th DAY OF November, 2013**

**CORAM
HON'BLE SHRI A.K. PATNAIK, MEMBER (JUDL.)**

Srikan Sethi,
Age about 49 years,
S/o Late Subal Sethi,
Presently working as
Postal Assistant Talcher Thermal S.O.,
At/PO- Talcher Thermal,
Dist.- Angul.

.....
Advocate(s) : M/s. S. Patnaik, B.R.Kar.Applicant

VERSUS

Union of India Represented through

1. Secretary-cum-Director General of Posts,
Ministry of Communication,
At-Dak Bhawan, Sansad Marg,
New Delhi-110001.
2. Chief Post Master General,
Odisha Circle,
At/PO. Bhubaneswar,
Dist. Khurda.
3. Postmaster General,
Sambalpur Region,
At/PO/Dist. Sambalpur.
4. Superintendent of Post Offices,
Dhenkanal Division,
At/PO/Dist. Dhenkanal.
5. Postmaster, Angul H.O.,
At/PO/Dist- Angul.

Advocate(s) :
... Respondents

ORDER (ORAL)

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

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

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"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.

2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 challenging the order dated 27.09.2013 in which recovery of Rs. 90875/- has been ordered from the applicant's salary in installment of Rs. 5000/- per month with further direction to stop drawal of house rent in his favour.

3. It is the case of the applicant that the representation dated 01.10.2013 preferred by him before Supd. of Post Offices, Dhenkanal Division (Respondent No.4), copies of which have also been forwarded to Respondent Nos. 2 and 3, against the order dated 27.09.2013 did not yield any result and the same is still pending.

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 –

- (c) 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
- (d) 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)."

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5. No specific order has been challenged in this OA. Redressal of grievance, at the hands of the Authority, at the first instance, besides being sine qua non, would minimize the expenses of the Department and would save the valuable time of the Court/Tribunal. 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 observed as under:

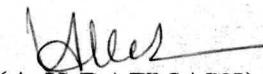
“17.Redressal of grievances in the hands of the departmental authorities take an unduly long time. That is so on account of the fact that no attention is ordinarily bestowed over these matters and they are not considered to be governmental business of substance. This approach has to be deprecated and 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.”

Keeping in mind the facts and aforesaid dicta of the Hon'ble Apex Court when the applicant made a representation on 01.10.2013, 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 Respondent No. 4 to take a decision on the said representation dated 01.10.2013 and communicate the result thereof, in a well-reasoned order, at an early date, preferably within a period of four weeks from the date of receipt

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

6. 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 above. Copy of this order be also communicated to Respondent No. 4 by 19.11.2013 by the Registry through Speed Post.


(A.K.PATNAIK)
MEMBER(Judl.)

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