

V
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 726 of 2013
Cuttack the 4th day of November, 2013

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

.....

Manoj Kumar Mishra, aged about 47 years, S/o. Surya Narayan Mishra, At-Shanti Nagar, Goilundi, Ps. Baidyanathpur, Berhampur, Dist. Ganjam at present working as SSE (Tele) Project, Bhubaneswar.

...Applicant

(Advocates: M/s.G.C.Swain and S.Patnaik)

VERSUS

Union of India Represented through -

1. The General Manager, East Coast Railway, Rail Sadan, Samanta Vihar, Po. Mancheswar, Bhubaneswar, Dist. Khurda.
2. Chief Personnel Officer, East Coast Railway, Rail Sadan, Samanta Vihar, Po. Mancheswar, Bhubaneswar, Dist. Khurda.
3. Chief Signal & Telecom Engineer, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist. Khurda.
4. Chief Administrative Officer, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist. Khurda.

..... Respondents

(Advocate:)

O R D E R
A.K. PATNAIK, MEMBER (JUDL.)

Oral

The Applicant who is working as Senior Section Engineer (ele) Project, Bhubaneswar has filed the instant Original Application under section 19 of the Administrative Tribunals Act, 1985 praying for a direction to the Respondents to give him a detailed ^{posting} ~~passing~~ (sic) order at his parent ^{de} department without treating as a Surplus Staff.

Alka

2. A Resolution has been made and communicated by the CAT Bar Association in letter dated 4.11.2013 to the extent as under:

“In continuation to our earlier resolution dated 27.9.2013, 1.10.2013, 03.10.2013, 07.10.2013, 10.10.2013, 22.10.2013, 25.10.2013 and 31.10.2013, the General Body meeting of CAT Bar Association unanimously resolved to abstain from Court work till 11.11.2013”

3. In the above premises, none is present for either of the parties. I find that in this connection the applicant has submitted a representation before the Respondent No.1 27.8.2013 and according to him he has not been communicated any result thereon 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
- (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

Aler

the expenses of the Department and save expenses of the Department and 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 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.1 to take a decision on the representation dated 27/8/2013 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. There shall be no order as to costs.



X
- 4 -

7. Applicant is at liberty to produce copy of the order before the Respondent No.1, 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
(A.K. Patnaik)
Member (Judicial)