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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO. 734 OF 2013
CUTTACK, THIS THE 20th DAY OF November, 2013

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

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Rabindranath Biswal,
Aged about 52 years,
S/o Trilochan Biswal,
GDS-BPM, Mancheswar Railway Branch Office,
Mancheswar, Bhubaneswar,
Dist- Khurda.

.....Applicant

Advocate(s) : M/s. T.K.Mishra, P. Jali.

VERSUS

Union of India Represented through

1. Director General of Posts,
Dak Bhawan, Sansad Marg,
New Delhi-110001.
2. Chief Post Master General,
Odisha Circle,
At/PO. Bhubaneswar,
Dist. Khurda, 751001.
3. Sr. Superintendent of Post Offices,
Bhubaneswar Division, Bhubaneswar,
Dist. Khurda, 757009.
4. Assistant Superintendent of Post Offices,
Bhubaneswar North Sub Division, Bhubaneswar,
Dist. Khurda, 751001.
5. Sr. Postmaster,
Bhubaneswar G.P.O.,
Bhubaneswar, Dist- Khurda.

... Respondents

Advocate(s) : Mr. P.R.J.Dash

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O R D E R (ORAL)

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

Heard Mr. T.K.Mishra, Ld. Counsel for the applicant,
and Mr. P.R.J.Dash, Ld. Addl. Central Govt. Standing Counsel



appearing for the Respondents, on whom a copy of this O.A. has already been served.

2. This is the second round of litigation. On the earlier occasion, the applicant by filing O.A. No. 283/13 had prayed for a direction to the Respondents to sanction and disburse the exact salary on the basic pay of Rs. 2745-50-4245/- w.e.f. April, 2013 and to direct the Sr. Superintendent of Post Offices, Bhubaneswar Division to disburse the arrear salary w.e.f. November, 2012 to April, 2013. At that point of time, it was found that the representation was preferred by the applicant on 15.04.2013 alleging non-consideration of his grievance whereas the O.A. was filed only on 30.04.2013, therefore, the O.A. was disposed of by granting liberty to the applicant to agitate his grievance, if the representation is not considered within a substantial period of time.

3. By filing the instant O.A., the applicant has brought to my notice that till date the representation preferred by the applicant addressed to the Sr. Superintendent of Post Offices, Bhubaneswar Division, i.e. Respondent No.3, has not yet been considered as he has not received any communication from the said Respondent No.3.

4. Mr. P.R.J.Dash, Ld. ACGSC, has no immediate instruction if at all any such representation has been preferred and the status of the said representation.

5. 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 -

(e) 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

(f) 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)."

6. 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:

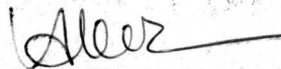
"17.Redressal of grievances in the hands of the departmental authorities take an unduly long time. That is so on account of the fact that no attention is ordinarily bestowed over these matters and they are not considered to be governmental business of substance. This approach has to be deprecated and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



15.04.2013, 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. 3 to take a decision on the said representation dated 15.04.2013 and communicate the result thereof, in a well-reasoned order, at an early date, preferably within a period of 30 days from the date of receipt 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.

7. Copy of this order be handed over to the Ld. Counsel for both the sides. Applicant is at liberty to produce copy of this order before Respondent No. 3, 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. 3 by 22.11.2013 by the Registry through Speed Post at the cost of the applicant for which Mr. Mishra undertakes to file the postal requisites by 22nd November, 2013.


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