

3

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. No. 736 of 2013
Cuttack the 8th day of November, 2013

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

.....
Sri Narasingha Mohapatra, aged about 25 years, son of Late Braja Bihari Mohapatra, resident of Village-Chandagarh, Post. Nabapatna, Dist. Jagatsinghpur, Odisha – 754 103.

...Applicant
(Advocates: M/s.A.K.Mohanty, D.K.Mohanty, P.K.Kar)

VERSUS

Union of India Represented through -

1. Secretary, Department of Personnel & Training, Government of India, North Block, New Delhi-110 001.
2. The Director, Central Bureau of Investigations, CGO Complex, Lodhi Road, New Delhi-110 003.
3. The Superintendent of Police, Anti-Corruption Branch, VII/2, Karmik Bhawan, Dhanbad.

..... Respondents

(Advocate:)

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

Oral

A Resolution has been passed 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”

2. In view of the above, no Counsel is present for either of the sides. However, perused the records. It appears from the record that the

A.K. PATNAIK, MEMBER (JUDL.)

father of the applicant while working as Head Clerk in the office of the CBI, ACB, Dhanbad died prematurely on 12.4.2004 and the applicant sought appointment on compassionate ground. The case of the applicant was duly considered but the same was rejected. However, as it reveals from the record, the Respondents vide letter dated 08.01.2013 intimated the applicant to appear before the Selection Committee for a personal talk on 14.01.2013 at 10.00 a.m. positively along with documents/testimonials mentioned in the said letter and it is the case of the applicant that though he appeared before the Committee the outcome of the said Selection has not been intimated to him. He has submitted a representation dated 05.6.2013 (copy not enclosed) which did not yield any result. Hence by filing the instant OA he has prayed for a direction to the Respondent No.2 to consider his case for appointment on compassionate ground against existing vacancy of Lower Division Clerk or against the next vacancy to mitigate the financial hardship and indigent circumstances caused to the family due to the death of the sole bread winner of the family. 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

W. Alles

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)."

3. 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."

4. Keeping in mind the facts and aforesaid dicta of the Hon'ble Apex Court when the applicant appeared at the selection for appointment on compassionate ground made a representation, he has a right to know the result thereof. Hence, without expressing any opinion on the merit of the

Walter

matter, this OA is disposed of at this admission stage with direction to the Respondent No.2 to take a decision on the representation dated 05.6.2013 and communicate the result thereof, 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 to the Applicant. 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.

5. Applicant is at liberty to produce copy of the order before the Respondent No.2, 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)