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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. No. 737 of 2013
Cuttack the 6th day of November, 2013

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

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Dinesh Sahoo, aged about 19 years, S/o.Ashok Kumar Sahoo, Vill-Talagadia, Po.Malapara, PS. Jajpur Sadar, Dist. Jajpur.

...Applicant

(Advocates: Mr.D.K.Mohanty)

VERSUS

Union of India Represented through -

1. The Director General of Posts, Ministry of Communication, Department of Post, Dak Bhawan, Sansad Marg, New Delhi-1.
2. The Chief Postmaster General, Orissa Circle, Bhubaneswar, Dist. Khurda-751 001.
3. The Superintendent of Post Office, Cuttack North Division, Cuttack-753 001.

..... Respondents

(Advocate:)

O R D E R

Oral

A.K. PATNAIK, MEMBER (JUDL.)

It is the case of the Applicant that Respondent No.3 i.e. Superintendent of Post Offices, Cuttack North Division, Cuttack vide Notification No. B/ED-224 dated 18.09.2012 invited application for filing up of the post of GDSBPM of Kalan Branch Post Office in account with Dharinasala Sub Post Office under Jajpur Head Post Office. The post was earmarked for 'UR' candidate and the last date of receipt of application was fixed as 09.10.2012. In pursuance of the said notification, he has submitted his application, with all testimonials, within the stipulated period fixed in the

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Notification. He has passed HSC Examination by securing 82.9% marks and legitimately expected to be selected as the post is to be filled up on the basis of the marks secured in the HSC Examination. His grievance, in the instant OA, is against non-finalization of the process of selection. Thus, in this OA he has prayed for a direction to the Respondent No.3 to complete the process of selection within a stipulated period.

2. 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"

3. In the above premises, none is present for either of the parties. However, perused the records and I find that by making representation dated 16.05.2013 the applicant has prayed before the Respondent No.3 to complete the process of selection and it is the positive case of the applicant that neither the selection has been completed as yet nor he has received any reply on his representation. The provision made in 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 –

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- (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)."

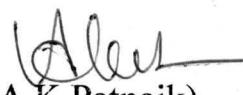
4. No order has been challenged in this OA. Redressal of grievance, at the hands of the Authority, at the first instance, besides being sine qua non, would minimize the expenses of the Department and the valuable time of the Court/Tribunal. In view of the above, especially keeping in mind the specific 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."

5. Keeping in mind the facts and aforesaid dicta of the Hon'ble Apex Court when the applicant made a representation he has a right to know the result thereof. Hence, without expressing any opinion on the merit of the

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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 16.05.2013 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. 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)