

4

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 748 OF 2013
Cuttack, this the 13th day of November, 2013

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

.....

Jogeswar Patel,
aged about 46 years,
Son of Baikuntha Patel,
Resident of Vill.-Ganthiabud,
Po.-H. Katapali, PS./Dist.-Jharsuguda.

.....Applicant

Advocate(s).....M/s. A.K. Nanda, G.N. Sahu

VERSUS

Union of India represented through

1. The General Manager,
East Coast Railway,
Rail Vihar, Chandrasekhpur,
Bhubaneswar-751023, Dist-Khurda.
2. Secretary,
Revenue & Disaster Department,
Secretariat Building,
Bhubaneswar, Dist-Khurda.
3. Collector, Jharsuguda, At/Po/PS./Dist.-Jharsuguda.
4. Project Director, Collectorate, Jharsuguda, At/Po/PS./Dist.-Jharsuguda.
5. Assistant Engineer, S.E. Railway, Jharsuguda, At/Po/PS./Dist.-Jharsuguda.

..... Respondents

Advocate(s).....

Amlet

ORDER (ORAL)

HON'BLE 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:

“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. The case of the applicant is that for construction of Railway Line from Jharsuguda to Basundhara-Gopalpur Respondent No.2 occupied the land recorded in the name of his father. As per Section 4 (1) no Rehabilitation assistance by way of appointment as provided under Re-Settlement & Rehabilitation Policy-2006 has provided to him till date despite representation dated 29.04.2013. Hence by filing the instant O.A. the applicant seeks the following relief:-

“It is therefore most humbly prayed that the Original Application may be admitted, relevant records may be called for and after hearing the counsels for the parties the O.A. may be allowed directing the Respondents more particularly Respondent Nos. 1 & 5 to provide employment to the petitioner's son (Girish Patel) as per the Re-Settlement & Rehabilitation Policy- 2006 as promised in the notification under Annexure-A/1 within such period as the Hon'ble Tribunal deem just and proper.”

3. 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 –

Waller

(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)."

4. 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:

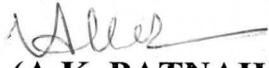
"17.Redressal of grievances in the hands of the departmental authorities take an unduly long time. That is so on account of the fact that no attention is ordinarily bestowed over these matters and they are not considered to be governmental business of substance. This approach has to be deprecated and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

5. Keeping in mind the facts and aforesaid dicta of the Hon'ble Apex Court when the applicant made a representation on 29.04.2013²⁹, 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 the Respondent No.5 to take a decision on the said representation dated 29.04.2013 and communicate the result thereof, in a



well-reasoned order, at an early date, preferably within a period of 60 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. However, it is made clear that till the representation is considered and disposed of, status quo in respect of the applicant as of today will be maintained. There shall be no order as to costs.

6. Applicant is at liberty to produce copy of the order before the Respondent No.5, 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.5 by the Registry by Speed Post in course of the day.


(A.K. PATNAIK)
MEMBER (J)

K.B.