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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. NO. 766 OF 2013

Cuttack, this the 20th day of November, 2013

CORAM

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

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Khetrabasi Das,
aged about 65 years,
Son of Late Jairam Das,
Retired Khalasi Helper,
O/O- IWI/ E.Co. Rly./Mancheswar,
Permanent Resident of Vill.- Deulisahi,
PO- Nalibara, Dist-Jagatsinghpur, Odisha.

.....Applicant

Advocate(s)... M/s. N.R. Routray, T.K. Choudhury

VERSUS

Union of India represented through

1. The General Manager,
East Coast Railway, E.Co. R. Sadan,
Chandrasekharpur, Bhubaneswar, Dist-Khurda.
2. Senior Divisional Personnel Officer/
East Coast Railway, Khurda Road Division,
At/PO- Jatni, Dist-Khurda.
3. Sr. D.E.N./ Co-ord./
East Coast Railway, Khurda Road Division,
At/PO- Jatni, Dist-Khurda.
4. Senior Divisional Financial Manager/
East Coast Railway, Khurda Road Division,
At/PO- Jatni, Dist-Khurda.

..... Respondents

Advocate(s)..... Mr. T. Rath

ORDER (ORAL)

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

Heard Mr. N.R.Routray, Ld. Counsel for the applicant,
and Mr. T.Rath, Ld. Standing Counsel appearing for the Respondent-
Railways, on whom a copy of this O.A. has already been served.

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2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 challenging the inaction of the Respondents in not granting him full pension as per RBE No. 222/09. Mr. Routray, Ld. Counsel for the applicant, submitted that the applicant entered into Railway service w.e.f. 01.01.1983 and retired w.e.f. 30.11.2008 on attaining the age of superannuation after completing total qualifying period of service of 21 years and 8 months. Subsequent to the superannuation, the applicant has been paid all retirement financial benefits in PB-I with Grade Pay of Rs. 1650/-, which has been annexed under Annexure-A/1. By drawing my attention to RBE No. 222/09, which was issued on 15.12.2009, Mr. Routray in paragraph 4.3 of the O.A. has stated that Para 5.4 of the instruction stands modified to the extent as the revised provision for calculation of pension in Para 5.2 and 5.3 of RBE No. 112/2008 has been directed to come into force w.e.f. 01.01.2006 and it has been clearly stipulated that the same will be applicable to all retired and retiring employees as of that date. He submitted that as the applicant has retired on 30.11.2008, i.e. after the cut of date, the applicant is squarely covered by the said RBE and is entitled to get said benefits. Mr. Routray submitted that stating all those points, the applicant has already preferred a representation on 10.04.2013 to the Sr. D.E.N., Co-ordination, E.Co.Rly. (Respondent No.3) with copy to Respondent No.2.

3. Section 19 of the Administrative Tribunals Act, 1985, inter alia, provides as under:

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“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).”

4. 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:

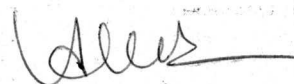
“17.Redressal of grievances in the hands of the departmental authorities take an unduly long time. That is so on account of the fact that no attention is ordinarily bestowed over these matters and they are not considered to be governmental business of substance. This approach has to be deprecated and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

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Keeping in mind the facts and aforesaid dicta of the Hon'ble Apex Court when the applicant made a representation on 10.04.2013, 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 as well as Respondent No. 2 to consider the said representation dated 10.04.2013 (if any such representation has been preferred and the same is still pending) as per extant rules and regulations and RBE No. 222/09 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. 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 two weeks from the date of receipt of copy of this order. I make it clear that if after such consideration, the applicant is found to be entitled to certain benefits then expeditious steps be taken to disburse/extend the said benefits to him preferably within a period of 90 days from the date of such consideration.

5. With the aforesaid observation and direction, this O.A. stands disposed of. There shall be no order as to costs.

6. Copy of this order be handed over to Ld. Counsel for both the sides. Copy of this order be also communicated to Respondent Nos. 2, 3, and 4 by the Registry through Speed Post at the cost of the applicant for which Mr. Routray undertakes to file the postal requisites by tomorrow.


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