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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 773 OF 2013
Cuttack, this the 22nd day of November, 2013

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

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Kanakalata Das,
aged about 50 years, Widow of Late Dhobali,
Ex-Chowkidar-II/Engineering /Con. /Sambalpur,
Permanent resident of Vill.-Tarash, P.O./Via/P.S-Jenapur,
Dist.-Jajpur, Odisha.

.....Applicant

Advocate(s)...M/s. N.R. Routray, T.K. Choudhury, S.K. Mohanty,
Ms. J. Pradhan.

VERSUS

Union of India represented through

1. The General Manager,
East Coast Railway, E.Co.R. Sadan,
Chandrasekharapur,
Bhubaneswar, Dist-Khurda.
2. Deputy Chief Engineer/Con./E.Co..Rly.,
At.-Khetrajpur, P.O.-Modipada,
Town/Dist-Sambalpur.
3. Divisional Financial Manager,
East Coast Railway, Sambalpur Division,
At.-Khetrajpur, P.O.-Modipada,
Town/Dist-Sambalpur.

..... Respondents

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

ORDER (ORAL)

HON'BLE 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. The instant O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 claiming the first and second financial upgradation of her late husband, who was working in Railways since 01.01.1982 and retired on 30.12.2011 on attaining the age of superannuation. Mr. Routray, Ld. Counsel for the applicant, submitted that at the time of retirement the husband of the applicant had completed 26 years of qualifying service for grant of pension. He further submitted that as per MACP Scheme adopted by the Railways, the applicant's husband was entitled to get first and second financial upgradation after 10 and 20 years of service as per RBE No. 217/09. As because, the husband of the applicant did not get the said benefit, applicant (the widow) herself has made a representation on 14.02.2013 addressed to the Dy. Chief Engineer/Con., E.Co.Rly., Khetrajpur, i.e. Respondent No.2.

3. Mr. T. Rath, Ld. Standing Counsel for the Railways, has no immediate instruction if at all any such representation has been preferred and, if filed, the status of the same.

4. 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

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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).”

5. 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 made a representation on 14.02.2013, she has a right to know the result thereof. Hence, without expressing any opinion on the merit of the matter, this OA is disposed

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of at this admission stage with direction to Respondent No. 2 to consider the said representation dated 14.02.2013 (if any such representation has been preferred and the same is still pending) as per extant rules and regulations and RBE No. 217/09 and communicate the result thereof to the applicant by way of a reasoned and speaking order within a period of 60 days from the date of receipt of copy of this order. I make it clear that if after such consideration, the applicant's husband is found to be entitled to certain benefits then expeditious steps be taken to disburse/extend the said benefits to the applicant preferably within a period of 90 days from the date of such consideration. 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.

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

7. 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 and 3 by the Registry through Speed Post at the cost of the applicant for which Mr. Routray undertakes to file the postal requisites by 25.11.2013.


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