

3

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 783 of 2013

Cuttack the 27th day of November, , 2013

CORAM

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

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Madhusudan Bhui, aged about 45 years, Son of Late R.C.Bhui, at present working as General Manager, Naval Armament Depot, PXE, Chandipur, Dist. Balasore, Odisha.

...Applicant

(Advocates: M/s. S.K.Ojha, S.K.Nayak)

VERSUS

Union of India Represented through –

1. The Chief of the Naval Staff, Integrated Head Quarters, Ministry of Defence (Naval), D.Wing, Sena Bhawan, New Delhi-110066.
2. The Principal Director of Civilian Personnel, Integrated Headquarters of Ministry of Defence (Navy), Sena Bhawan, New Delhi.

.....Respondents

(Advocate: Mr.B.K.Mohapatra)

ORDER

(Oral)

A.K.PATNAIK, MEMBER (I):

The applicant (Madhusudan Bhui) working as General Manager, Naval Armament Depot, PXE, Chandipur in the District of Balasore/Odisha has filed this Original Application under section 19 of the Administrative Tribunal praying for a directin to the Respondents to give him promotion to Junior Administrative Grade (Functional) with effect from 26.11.2011 i.e. the date when MOD/GoI approved the recommendation of



the DPC proceedings (i.e. 26.12.2011) for promotion to JAG (F) grade and grant him all consequential service benefits.

2. Copy of this Original Application has been served, in advance on Mr.B.K.Mohaptra, Learned Additional CGSC for the Union of India who is present in Court today for the Respondents. Heard Mr.S.K.Ojha, Learned Counsel appearing for the Applicant and Mr.B.K.Mohapatra, Learned Additional CGSC appearing for the Respondents and perused the material placed on record. Mr. Ojha's contention is that panel for promotion to the grade of Junior Administrative Grade (Functional) in the pre revised pay scale of Rs.14,300-18300/- for the year 2011-2012 was published by the Respondents on 5th January, 2012 but the same was given effect to only vide order dated 20th January, 2012 prospectively instead of retrospective effect for which the applicant has been made to suffer. Further contention of Mr. Ojha is that by making representation dated 17th January, 2013 the applicant has sought removal of the injustice caused to him in the matter of giving effect to his order of promotion but till date no decision was taken by the Respondents. In support of his prayer Mr.Ojha has placed reliance on the Government of India decision annexed to this OA at Annexure-A/9. On the other hand Mr. Mohapatra, Learned Additional CGSC appearing for the Respondents submitted that the applicant is not entitled to the relief claimed in this OA as the panel was published on 5th January, 2012 and the applicant was promoted to JAG grade vide order dated 20th January, 2012 whereas the



5
- 3 -

applicant submitted his representation after lapse of about one year i.e. on 17th January, 2013 without any reason. Hence he has sincerely prayed for dismissal of this OA.

3. Be that as it may, since applicant made a representation to the competent authority ventilating his grievance, he has a legitimate expectation to know the result thereof and the authority is under obligation to consider and communicate the reason on the same. However, 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 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. But no specific order has been challenged in this OA by the Applicant in this and at the same time 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.




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-4-

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 submitted a representation, 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.1 to take a decision on the said representation dated 17th January, 2013 with reference to Rules and Government of India instructions 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. Copy of this order be sent to the Respondent No.1 for compliance.



(A.K.Patnaik)
Member (Judicial)