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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. NO. 814 OF 2013
Cuttack, this the 4th day of December, 2013

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

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Trinath Prasad Panda, aged about 55 years,
S/o Late Sadananda Panda.

AT/ PO - Sakhipada, Dist- Sambalpur,

Presently working as UDC,

AIR, Bhawanipatna, Dist- Kalahandi.

.....Applicant

Advocate(s)...M/s. D.P.Dhalsamant, N.M.Rout

VERSUS

Union of India represented through

1. Secretary,
Ministry of Information and Broadcasting,
Shastry Bhawan, New Delhi 110001.

2. Director General, All India Radio,
Akashvani Bhawan, Parliament Street,
New Delhi-110011.

3. Deputy Director General (P),
All India Radio, Cuttack,
Cantonment Road, Cuttack-753001.

4. Station Director,
All India Radio, Bhawanipatna,
Dist- Kalahandi.

..... Respondents

Advocate(s)..... Mr. U.B.Mohapatra

ORDER (ORAL)

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

Heard Mr. D.P.Dhalsamant, Ld. Counsel for the applicant, and Mr. U.B.Mohapatra, Ld. Sr. Central Govt. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served.

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2. This instant 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 considering his representation regarding his transfer after completion of the tenure of two years in a difficult station. Mr. D.P.Dhalsamant, Ld. Counsel appearing for the applicant, submitted that the applicant was posted to AIR, Bhawanipatna, which is known to be difficult station. He had joined the said station on 13.07.2011 after being relieved from DDK, Sambalpur. Mr. Dhalsamant submitted that the applicant has completed his tenure posting on 12.07.2013 and in response to the circular dated 10.04.2013, he has expressed his willingness/choice place of posting to Sambalpur as his spouse is posted there as an Assistant Teacher under Govt. of Odisha. He has made the second and third preference to Bhubaneswar and Balangir. Though the said preference as well as representation for transfer submitted by the applicant was forwarded to Respondent No.3 on 19.04.2013 under Annexure-A/5, till date no response has been received from Respondent No. 3 to that effect. Mr. Dhalsamant further added that the academic session for the year 2012-13 has come to an end and for 2013-14 the session is going on hence applicant's case should deserve consideration on priority basis.

3. Mr. U.B.Mohapatra, Ld. Sr. CGSC, has no immediate instruction regarding fate of the representation preferred by the applicant on 27.08.2013, which has already been forwarded to Director General, AIR (Respondent No.2) on 5/9.09.2013.



4. Mr. Dhalsamant submitted that applicant's grievance will be more or less satisfied if a time frame is fixed to dispose of the pending representation by Respondent No.2.

5. Hon'ble Apex Court in the case of **S.S.Rathore -Vrs- State of Madhya Pradesh**, 1990 SCC (L&S) 50 (in paragraph 17) has 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 27.08.2013, he has a right to know the result thereof. Hence, without prejudice to the contentions of either sides and without expressing any opinion on the merit of the matter, this OA is disposed of at this admission stage with direction to Respondent No. 2 to consider the said representation preferred by the applicant, which was duly forwarded by the AIR, Bhawani patna station, keeping in mind the circular dated 14.02.2001 as well as the present rules and regulations so far as giving of choice place of posting to an employee after serving tenure posting in difficult station is concerned and communicate the result thereof to the applicant by way of a reasoned

[Signature]

and speaking order within a period of 30 days from the date of receipt of a copy of this order. If after such consideration, the applicant is found to be entitled to such benefit for choice place of posting then expeditious steps be taken to extend the said benefit to the applicant within 30 days from such consideration keeping in mind the present academic session as well as the various points as raised by the applicant in his representation. However, I make it clear that if the representation so preferred by the applicant and forwarded to Respondent No. 2 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. There shall be no order as to costs.

6. Free copy of this order be handed over to Ld. Counsel for both the sides. Copy of this order be also transmitted to Respondent No. 2 by the Registry through Speed Post at the cost of the applicant for which Mr. Dhalsamant, Ld. Counsel for the applicant, undertakes to file the postal requisites by 06.12.2013.


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

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