

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK**

**ORIGINAL APPLICATION NO. 918 OF 2013  
CUTTACK, THIS THE 26<sup>th</sup> DAY OF DECEMBER, 2013**

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

Narayan Behera,  
Aged about 64 years,  
S/o Late Budhi Behera,  
At/Post: Daleiput,  
Via- Pallahat, Dist: Khurda,  
Working as GDSMC, Daleiput B.O.

.....Applicant

(Advocate(s) : Mr. P.K.Padhi, Smt. J. Mishra)

**VERSUS**

Union of India Represented through

1. Secretary-cum-Director General of Posts,  
Dak Bhawan,  
Sansad Marg,  
New Delhi-110116.
2. Chief Post Master General,  
Odisha Circle,  
AT/PO-Bhubaneswar,  
Dist. Khurda-751001.
3. Sr. Superintendent of Post Offices,  
Puri Division,  
At/PO/Dist-Puri-752001.

... Respondents

Advocate(s)..... Mr. S.B.Jena.

**ORDER (ORAL)**

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

Heard Mr. P.K.Padhi, Ld. Counsel for the applicant, and  
Mr. S.B.Jena, Ld. Addl. 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 O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 praying for a direction to the "Respondents not to make any recovery and refund the amount already recovered with 18% interest and protect the TRCA of the applicant". It is the case of the applicant that without any order, notice or opportunity of being heard, Respondents have imposed recovery from the TRCA of the applicant since 31.01.2013. Mr. Padhi, Ld. Counsel for the applicant, submitted that ventilating his grievance the applicant has made representation to the Sr. Supd. of Post Offices, Puri Division (Respondent No.3) on 29.07.2013 and the same is still pending consideration.

3. Mr. S.B.Jena, Ld. Addl. CGSC, has no immediate instruction whether any such representation has been filed by the applicant on 29.07.2013 and, if so, the status of the same.

4. Mr. Padhi 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.3.

5. 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

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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).”

6. 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.”

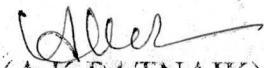
Keeping in mind the facts and aforesaid dicta of the Hon’ble Apex Court when the applicant made a representation on 29.07.2013, he has a right to know the result thereof. Hence, without prejudice to the either sides and without expressing any opinion on the merit of the matter, this OA is disposed of at this admission stage with



direction to Respondent No. 3 to consider the said representation dated 29.07.2013 (if any such representation has been preferred and the same is still pending) 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. 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. It is also made clear that further recovery from the TRCA of the applicant shall be stayed till the representation is considered and result communicated to the applicant.

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

8. Free copy of this order be handed over to Ld. Counsel for both the sides. Copy of this order be also communicated to Respondent No. 3 by the Registry through Speed Post at the cost of the applicant for which Mr. Padhi undertakes to file the postal requisites by 31.12.2013.

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