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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 988 OF 2013

Cuttack this the 2nd day of May, 2014

CORAM

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

HON'BLE MR. R. C. MISRA, MEMBER (A)

.....

Babaji Charan Samantaray,
aged about 61 years,
Son of Dhurba Charan Samantaray,
Ex-GDS Branch Post Master, Dinkia Post Office,
AT/PO- Dinkia, Dist- Jagatsinghpur.

...Applicant

(Advocates: M/s. U.Nanda, B.Baisakh, S.K. Mohapatra)

VERSUS

Union of India Represented through

1. Secretary,
D. G. of Post Office,
Ministry of Communication,
Department of Post, Sansad Marg,
New Delhi.
2. Superintendent of Post Offices,
Cuttack South Division,
Cuttack-753001.

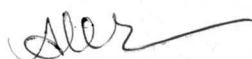
... Respondents

(Advocate: Mr. P.R.J.Dash)

ORDER (ORAL)

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

Heard Mr. S.K.Mohapatra, Learned Counsel for the Applicant, and Mr. P.R.J.Dash, Ld. Addl. CGSC appearing for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.



2. Instead of going into details of this case, at this stage, it would suffice to state that alleging inaction on the part of the Respondents, especially Respondent No.2, i.e. Superintendent of Post Offices, Cuttack South Division, Cuttack, to pay him differential amount of put off duty allowance for the period from 20.11.2007 till May 2008 arising due to the revision of allowance of the GDS after the recommendation of the 6th CPC and for payment of GPF and other retirement benefits, the applicant has filed the instant O.A. praying for the following relief:

“ a).....direct the Respondents to calculate the compensation as ex-gratia in the scale prescribed by the 6th Pay Commission for the period from 29.11.2007 when the put off duty order passed to 20.03.2011 when the applicant retired from service and to pay the same to the applicant within a stipulated period after deducting the amounts already paid to the applicant along with the amounts of his G.P.F. and gratuity on his retirement from service on 20.03.2011.

b)to pay interest at the rate of 12% per annum on the amounts which fell due to the applicant on or before 20.03.2011 and was not paid to the applicant though the applicant is entitled to get the same as per Rule 12 of the GDS (C&E) Rules, 2001 along with any other relief.....”

3. It has been specifically stated that the applicant has submitted a representation on 15.07.2013 but till date, even long after his retirement, neither he has been paid any dues which he is entitled to under Rules nor he has been communicated any reply thereon.

4. On the other hand, Mr. P.R.J.Dash, Ld. ACGSC appearing for the Respondents, submitted that at this stage he has no immediate instruction



as to whether any such representation has really been preferred and if so the status thereof.

5. We fail to understand as to how disposal of representation can take such a long time whereas the law laid down is right to know the result of the representation that too at the earliest is part of compliance of principle of natural justice and employer is also duty bound to look into the grievance of the employee as raised in the representation and reply him/her suitably without any delay. In the instant case, as it appears, though the applicant submitted representation ventilating his grievance on 15.07.2013 he has not received any reply or got the benefit. The same view has also been fortified in **S.S.Rathore Vs State of Madhya Pradesh, 1990 SCC (L&S) 50 (para 17)** in which the Lordships have stated as follows:

“Redressal of grievances in the hands of the departmental authorities takes^p 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.”

In view of the above, while deprecating the action of the Respondent No. 2 for the delay in disposal of the representation of the applicant, without entering into the merit of the matter, we dispose of this OA, at this admission stage, with a direction to the Respondent No. 2 to consider and dispose of representation of the Applicant dated 15.07.2013 as

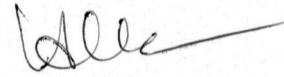


at Annexure- 2 by a reasoned and speaking order and communicate the same to the applicant within a period of 45 days from the date of receipt of a copy of this order and if after such consideration it is found that the applicant is entitled to the benefits claimed by him, then the same may be paid/granted to him within a period of 45 days therefrom. There shall be no order as to costs.

6. As agreed to by Ld. Counsel for both the sides, copy of this O.A., along with the copy of this order, be transmitted to Respondent No. 2 by Speed Post at the cost of the applicant, for which Mr. Mohapatra, Ld. Counsel for the applicant, undertakes to furnish the postal requisites by 06.05.2014. Free copies of this order be given to the Ld. Counsel for both the sides.



(R.C.MISRA)
MEMBER (Admn.)



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