

4
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00185 OF 2014
Cuttack, this the 2nd day of April, 2014

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)
HON'BLE MR. R.C.MISRA, MEMBER (ADMN.)

.....
Bhimasena Behera, aged about 40 years,
S/o Dwijabara Behera,
AT- Pubasasana, PO-Kausalyaganga, PS- Pipili, Dist- Puri,
At present working as a Casual Worker awarded with 1/30th Status at
Drakhya Prajapati Temple,
Archaeological Survey of India site,
At/P.O./P.S- Banapur, Dist.- Khurda, Odisha.

.....Applicant

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

VERSUS

Union of India represented through

1. The Secretary,
Ministry of Culture,
Govt. of India, Shastri Bhawan,
New Delhi 110001.
2. Director General,
Archaeological Survey of India,
Janpath, New Delhi-110011.
3. Superintending Archaeologist,
Archaeological Survey of India,
Toshali Apartment,
Satya Nagar, Bhubaneswar-7,
Dist- Khurda, Odisha.

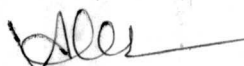
..... Respondents

Advocate(s)..... Mr. L. Jena


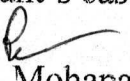
ORDER (ORAL)

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

Copy of this OA has been served on Mr. L. Jena, Ld. Addl.
CGSC appearing for the Respondents, who accepts notice for all the
Respondents in this OA. Registry is directed to serve notice, in terms of Sub



rule 4 of Rule 11 of the CAT (Procedure) Rules, 1987 for onward transmission. Heard Mr. P.B.Mohapatra, Ld. Counsel for the applicant, and Mr. L. Jena, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served.

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 to extend him the benefits as provided to some other persons, who were similarly situated as that of the applicant, so far as awarding of 1/30th status with retrospective effect and consequential benefits are concerned. Mr. Mohapatra, Ld. Counsel for the applicant, by drawing ^{our} ~~my~~  attention submitted that some similarly situated employees have got 1/30th status but the applicant's case has not been considered for which he has been discriminated ^{against} . Mr. Mohapatra further submitted that ventilating all his grievance, the applicant has made a representation to the Director General, Archaeological Survey of India (Respondent No.2) on 04.01.2014.

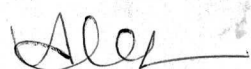
3. Mr. L. Jena, Ld. ACGSC, has no immediate instruction whether any such representation has been filed by the applicant on 04.01.2014 and, if so, the status of the same.

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

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 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. 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 has made a representation on 04.01.2014,


Alu

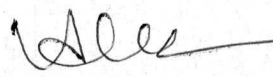
7

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. 2 to consider the said representation dated 04.01.2014 (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. We make it clear that if after such consideration, the applicant is found to be entitled to certain benefits then expeditious steps be taken to 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.

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

8. Copies of this order be communicated to Respondent No. 2 by the Registry through Speed Post at the cost of the applicant for which Mr. Mohapatra undertakes to file the postal requisites by 04.04.2014.


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


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