

3

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.260/00458/2014

Cuttack this the 11th day of June, 2014

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

Pratyush Hari Chandan
Aged about 39 years
S/o. Bainsidhar Harichandan
At/PO-Haripur, PS-Jankia
Dist-Khurda
At present working as Junior Engineer, Dover Head Electrical TRD
O/o.Sr.Section Engineer/TRD/KDJR,
East Coast Railway, Keonjhar
At/PO-Ghutur
Dist-Kendujhar

...Applicant

By the Advocate(s)- Mr.P.K.Chand

-VERSUS-

Union of India represented through the

1. General Manager
East Coast Railway,
Rail Bhaban
Chandrasekharapur,
Bhubaneswar, Khurda
2. Additional Divisional Railway Manager
East Coast Railway, Khurda Road Division
Jatni, Khurda
3. Senior Divisional Electrical Engineer(TRD)
East Coast railway, Khurda Road Division
Jatni
Khurda
4. Asst.Divisional Electrical Engineer (TRD),
East Coast Railway,
Cuttack

...Respondents

By the Advocate(s)-Mr.T.Rath



ORDER(Oral)**R.C.MISRA, MEMBER(A)**

Heard Shri P.K.Chand, learned counsel for the applicant and Shri T.Rath, learned Standing Counsel, on whom a copy of this O.A. has been served, appearing for Respondent-Railways and perused the records.

2. Facts of the matter are that applicant, in consequence of disciplinary proceedings initiated against him was ~~been~~^P imposed punishment by the Disciplinary Authority vide order dated 23.12.2013 to the effect that one increment would be withheld for a period of three years which also will have the effect of postponing future increment of pay. It is the submission of the learned counsel for the applicant that this punishment order is arbitrary and illegal since the inquiry has not been properly conducted and the principles of natural justice have not been complied with. Challenging this order, applicant has made an appeal dated 17.2.201⁴~~3~~ before the Respondent No.2, who is the Appellate Authority and even though he has sent another application dated 14.4.2014 to the Appellate Authority, this has not yielded any fruitful result. Shri T.Rath, on the other hand submitted that he has no instant instruction regarding pendency of any such appeal petition before Respondent No.2.

3. Learned counsel for the applicant has prayed for direction to be issued to Respondent No.2, the Appellate Authority to consider and dispose of the appeal petition.



4. It is the duty of the various administrative authorities to dispose of the grievance petitions as well as the statutory appeals and representations under the service rules within a specified period of time which should be ideally between three to six months. In this respect, judgment of the Hon'ble Supreme Court in S.S.Rathore vs. State of M.P. reported in 1990 SCC (L&S) 50, is quoted hereunder.

"Redressal of grievances in the hands of the departmental authorities takes an unduly long time. This 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 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. No doubt disposal of such cases will decrease the incidence of litigations in the Court of Law. Therefore, considering the facts and circumstances of the case, I direct Respondent No.2, viz., Additional Divisional Railway Manager to consider and dispose of the appeal petition as aforesaid, and communicate the decision thereon to the applicant through a reasoned and speaking order, after dealing with all the points raised by the applicant therein, within a period of sixty days from the date of receipt of this order.

6. Shri Chand has further prayed that the order of punishment issued by the Disciplinary Authority should be stayed since the date of increment will fall on 1st of July. Be it noted that the applicant is at liberty to make such a prayer before



the Appellate Authority within a week hence and in such eventuality, the Appellate Authority will also consider the same and pass appropriate orders, as per law, while dealing with the appeal petition...

Ordered accordingly.

7. With the above observation and direction, this O.A. is disposed of at the stage of admission itself. No costs.

8. As agreed to by learned counsel for both the sides, a copy of this order along with paper book be sent to Res.No.2 at the cost of the applicant for which Shri Chand undertakds to file the postal requisites by 12.6.2014. Free copy of this order be made over to the learned counsel for both the sides.


(R.C.MISRA)
MEMBER(A)

BKs