

3
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No.260/00836 of 2014
Cuttack, this the 24th day of November, 2014

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

Pranabananda Dash,
aged about 64 years,
S/o. Late Lingaraj Dash,
Presently residing at Ghantikia,
Bhubaneswar, Dist- Khurda-751003.

...Applicant

(Advocates: M/s. D.P.Dhalsamant, N.M.Rout, R.N.Mishra)

VERSUS

Union of India Represented through

1. Director General of Posts,
Govt. of India, Ministry of Communication,
Department of Posts, Dak Bhawan,
Sansad Marg, New Delhi-110001.
2. Principal Chief Post Master General,
Orissa Circle, Bhubaneswar,
Dist-Khurda, Pin-751001
3. Director of Accounts (Postal),
Mahanadi Vihar, Cuttack 753004.
4. Sr. Superintendent of Post Offices,
Bhubaneswar Division, Dist- Khurda,753001.
5. Sr. Postmaster,
Bhubaneswar G.P.O.

...Respondents

(Advocate: Mr. S. Barik)

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ORDER (ORAL)

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

Heard Mr. D.P.Dhalsamant, Learned Counsel for the Applicant, and
Mr. S. Barik, 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.

Vikas

2. The applicant, who has retired as Postal Assistant on superannuation on 30.11.2010, has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 with the following reliefs:

“8.1 That the order dated 18.11.2013 (A/6) be quashed.

8.2 That the respondents be directed to grant disability pension to the applicant w.e.f. 1.12.2010 with interest.

3. As it reveals from the O.A. that the applicant is a victim of Parcel Bomb Explosion, which occurred while he was on duty on 03.01.2002. It has been stated in the O.A. that after his retirement he filed a representation to Respondent No. 4 for grant of Disability Pension on 01.04.2013 vide Annexure- A/5 followed by a reminder dated 23.09.2013. Consequently, he has been informed by the said Respondent No.4 vide Annexure-A/6 dated 18.11.2013 as under:

“But it is regret to say that, the DAP, Cuttack has returned your case with a remark “this office could not find any scope to deal such type of case after sanction of superannuation pension”.

4. Mr. Dhalsamant, Ld. Counsel for the applicant, submitted that Sr. Superintendent of Post Offices, i.e. Respondent No.4, is the competent authority to consider the case for grant of disability pension and the DAP has nothing to do in the matter. He submitted that the applicant has, subsequently, preferred an exhaustive representation before Chief Postmaster General, Odisha Circle, i.e. Respondent No.2, on 04.12.2013 vide Annexure-A/7. He further submitted that till date no reply has been received by the applicant from Respondent No.2 on this representation.

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5. Mr. S. Barik, Ld. ACGSC, submits that he has no immediate instruction if any such representation has been filed by the applicant and, if so, the status thereof.

6. As stated by Ld. Counsel for the applicant that the representation of the applicant is pending with the authorities since 04.12.2013, we are of the view that right to know the result of the representation that too at the earliest opportunity is a part of compliance of principles of natural justice. The employer is also duty bound to look to the grievance of the employee and respond to him in a suitable manner, without any delay. In the instant case, as it appears, though the applicant submitted representation ventilating his grievance on 04.12.2013, he has not received any reply till date. It is apt for us to place reliance on the decision of the Hon'ble Supreme Court of India in the case of S.S.Rathore-Vrs-State of Madhya Pradesh, AIR1990 SC Page 10/1990 SCC (L&S) Page 50 (para 17) in which it has been held 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.”

7. 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



6
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 04.12.2013 at Annexure-A/7 by a reasoned and speaking order and communicate the same to the applicant within a period of 60 days from the date of receipt of copy of this order. If after such consideration, the applicant is found to be entitled to the relief claimed by him then expeditious steps be taken within a further period of three months from the date of such consideration to extend the benefit to the applicant. If, in the meantime, the representation has already been disposed of then the result thereof be communicated to the applicant within a period of 15 days from the date of receipt of a copy of this order. No costs.

8. On the prayer made by Mr. Dhalsamant, Ld. Counsel for the applicant, copy of this order, along with paper book, be sent to Respondent No.2 by Speed Post at the cost of the applicant for which he undertakes to file the postal requisites by 27.11.2014.


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


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