

4
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00837 OF 2014
Cuttack, this the 25th day of November, 2014

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

.....
Pravakar Sahoo,
aged about 57 years,
S/o Harekrushna Sahoo,
At/PO- Kualo, Via-Parajanga, Dist- Dhenkanal,
At present working as both the posts GDSMD and GDSBPM
At Kualo BO under Parajang SO, Dist- Dhenkanal.

...Applicant

(Advocates: M/s. S. Patnaik, B.R.Kar, S.R.Nayak)

VERSUS

Union of India Represented through

1. Secretary-cum-Director General of Posts,
Ministry of Communication,
At-Dak Bhawan, Sansad Marg,
New Delhi-110001.
2. Chief Post Master General,
Odisha Circle, At/PO-Bhubaneswar,
Dist-Khurda.
3. Superintendent of Post Offices,
Dhenkanal Division, At/PO-Dhenkanal,
Dist- Dhenkanal.

..... Respondents

Advocate(s) : Mr. D.K.Behera.

.....

ORDER (ORAL)

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

Heard Mr. S.Patnaik, Learned Counsel for the Applicant, and Mr. D.K.Behera, Ld. Addl. Central Government Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.



2. The applicant, stated to be working in the posts of GDSMD and GDSBPM at Kualo BO under Parajang SO, has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985, with the following reliefs:

“(i) To direct the Respondents more particularly Respondent No.3 to grant combine duty allowances for the period from 06.04.2012 to 15.04.2013 or higher rate of TRCA against the post of GDSBPM for the said period.

(ii) And pass such other order.....”

3. Mr. Patnaik, Ld. Counsel for the applicant, submitted that the applicant initially joined as GDSMD at Kualo B.O. and while working as such vide order dated 06.04.2012 under Annexure-A/3 he was directed to take the charge of both the posts of GDSBPM and GDSMD at Kualo B.O. He further submitted that though the applicant is working in both the posts and he has made several representations praying for grant of combined duty allowance, till date neither he has been paid combined duty allowance nor any reply has been received by him on his representation. His latest representation as at Annexure-A/4 dated 10.08.2014 is still pending with Respondent No.3 for consideration.

4. Mr. D.K.Behera, Ld. ACGSC, submits that he has no immediate instruction if any such representations have been filed by the applicant and, if so, the status thereof.

5. We find that Section 20 of the Administrative Tribunals Act, 1985 provides as under:

“20. Application not to be admitted unless other remedies exhausted –

(1) A Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed

W.S.

of all the remedies available to him under the relevant service rules as to redressal of grievances.

(2) For the purposes of sub-section (1), a person shall be deemed to have availed of all the remedies available to him under the relevant service rules as to redressal of grievances, -

(a) if a final order has been made by the Government or other authority or officer or other person competent to pass such order under such rules, rejecting any appeal preferred or representation made by such person in connection with the grievance; or

(b) where no final order has been made by the Government or other authority or officer or other person competent to pass such order with regard to the appeal preferred or representation made by such person, if a period of six months from the date on which such appeal was preferred or representation was made has expired.

(3) For the purposes of sub-sections (1) and (2), any remedy available to an applicant by way of submission of a memorial to the President or to the Governor of a State or to any other functionary shall not be deemed to be one of the remedies which are available unless the applicant had elected to submit such memorial."

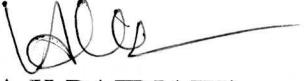
6. Since the positive case of the applicant is that no decision has been communicated to him on his representation submitted vide Annexure-A/4, without entering into the merit of this matter, this OA is disposed of at this admission stage with direction to Respondent No. 3 to consider the representation, if the same is still pending, and communicate the decision thereof, in a well-reasoned order to the applicant within a period of 30 (thirty) days from the date of receipt of a 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 two months from the date of such consideration to extend the benefit to the applicant. We make it clear that, if in the meantime the said representation has already



been disposed of then the result thereof be communicated to the applicant within a period of two weeks from the date of receipt of copy of this order.

6. As prayed for by the Mr. Patnaik, Ld. Counsel for the applicant, copy of this order, along with the paper book, be transmitted to Respondent No. 3 by Speed Post at the cost of the applicant, for which he undertakes to furnish the postal requisites by 28.11.2014.


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


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

RK