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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. No. 260/00840 OF 2014

Cuttack, this the 24th day of November, 2014

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

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Godabarish Sahoo,
aged about 66 years,
S/o- Late Purusottam Sahoo,
Retired Asst. Meteorologist, Grade-I,
Presently residing At/P.O. Haja (Jankia),
District- Khurda (Odisha).

.....Applicant

Advocate(s): M/s. C.A.Rao, S.K.Bhera, S.K.Parida..

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Union of India, represented through

1. Secretary,
Department of Earth Science, Govt. of India,
Prithivi Bhawan, Lodhi Road,
New Delhi-110003.
2. Director General of Meteorologist,
Mousam Bhawan, Lodhi Road,
New Delhi-110003.
3. P.A.O. (Earth Science) Kolkata,
4 Dule Avenue, Alipore,
Kolkata- 700027 (W.B.).
4. Govt. of India, represented by Secretary,
Department of Personnel, Public Grievance & Pension,
Department of Personnel and Training, North Block,
New Delhi- 110001.

..... Respondents

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

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O R D E R (ORAL)

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

Heard Mr. C.A.Rao, 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.

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2. The applicant, who while working as Assistant Meteorologist, Grade-I, has retired since 31.03.2008, has filed this O.A. ~~filed~~ under Section 19 of the Administrative Tribunals Act, 1985, with the following reliefs:

“(i)to quash the order dt. 08.05.2014 in (Annexure-4) treating two promotion with financial up-gradation under ACP Scheme to the post of Professional Assistant (now AM-II) and further as Assistant Meteorologist (now AM-I), contrary to the 6th C.P.C. recommendation ACP Scheme applicant is entitled 2 ACPS, after merger of Grades, and may be fixed at revised pay scale A.M.-II (1st ACP) at 7450-11500/- PB2 with grade pay Rs. 4600/- and 2nd ACP (AM-I) PB3, revised pay scale Rs. 15,600-39,100/-, with grade pay Rs. 6600/- in view of Annexure-1, 2 and 3.

(ii) Respondents be directed to act on the basis of Annexure-1, 2 and 3 and regularize/revise the pension and give all such benefits accrued from such action with interest.”

Mr. C.A.Rao, Ld. Counsel for the applicant, submitted that ventilating his grievance the applicant has made a series of representations, i.e. on 29.05.2014, 06.06.2014, 09.06.2014, 13.06.2014, 26.06.2014 and on 01.07.2014 vide Annexure-A/5 series before Respondent No.2 but till date no response has been received by the applicant.

3. Mr. P.R.J.Dash, 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.

4. 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

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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."

5. Since the positive case of the applicant is that no decision has been communicated to him on his representations submitted vide Annexure-A/5 series, without entering into the merit of this matter, this OA is disposed of at this admission stage with direction to Respondent No. 2 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 60 (sixty) 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 three months from the date of such consideration to extend the benefit to the applicant. However, 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. Rao, Ld. Counsel for the applicant, copy of this order, along with the paper book, be transmitted to Respondent No. 2 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.)

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