

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No.260/00982 of 2014
Cuttack, this the 07th day of January, 2015

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

1. Manoranjan Naik,
aged about 44 years,
S/o. Madhab Chandra Naik,
At- Bhugudakata, PO- Bhanjpur,
Baripada, Dist.- Mayurbhanj.

2. Ramesh Ch. Bhoi,
aged about 43 years,
S/o. Brundaban Bhoi,
At- Sankharisahi, PO- Parbatipur,
PS- Biridi, Dist.- Jagatsinghpur.

3. Narendra Ghadei,
aged about 44 years,
S/o. Siba Ghadei,
At- Tulasichoura, PO- Baripada,
Dist.- Mayurbhanj.

4. Dhirendra Mohanta,
aged about 50 years,
S/o. Bhairab Mohanta,
At- Kadalibadia, PO- Shirishbani,
Dist.- Mayurbhanj.

5. Biranchi Narayan Behera,
aged about 40 years,
S/o. Ld. Surendranath Behera,
At/PO- Belgadia, W.No.-1,
Baripada, Dist.- Mayurbhanj.

6. Saroj Kumar Ranjit,
aged about 41 years,
S/o. Ramanath Ranjit,
At- Jamundadeipur, W.No.-18,
PO- Bhanjpur, Dist.- Mayurbhanj.

7. Srinibas Naik,
aged about 43 years,
S/o. Lt. Sanatan Naik,
At- Badpatharkham, PS- Bangiriposi,
Dist.- Mayurbhanj.

W. L. S.

8. Kiananda Mukhi,
aged about 42 years,
S/o. Ramakanta Mukhi,
At/PO- Idar, PS- Betnoti,
Dist.- Mayurbhanj.

9. Deepak Ku. Behera,
aged about 33 years,
S/o. Lt. Priyanath Behera,
At- Jadurhera, PO- Balidiha,
Dist.- Mayurbhanj.

10. Paresh Mukhi,
aged about 44 years,
S/o. Lt. Baino Mukhi,
At- Kalikapur, PO- Baripada,
Dist.- Mayurbhanj.

11. Sanjay Kumar Samal,
aged about 43 years,
S/o. Lt. Chandramohan Samal,
At- Karatbass, PO- Bajod,
Dist.- Mayurbhanj.

12. Kailash Chandra Mohanta,
aged about 44 years,
S/o. Laxmikanta Mohanta,
At- Tungadiha, PO- Bajod,
Dist.- Mayurbhanj.

13. Pratap Chandra Naik,
aged about 46 years,
S/o. Purna Ch. Naik,
At- Majhigaon, PO- Bangiriposi,
Dist.- Mayurbhanj.

14. Jagannath Singh,
aged about 41 years,
S/o. Indra Singh,
At- Sijua, PO- Bhursani, Dist.- Mayurbhanj.

15. Subash Ch. Behera,
aged about 41 years,
S/o. Hadibandhu Behera,
At- Pathuri, PO- Jalda, Dist.- Mayurbhanj.

16. Kamalochan Sahu,
aged about 40 years,
S/o. Laxman Sahu,
At/PO- Raikama, PS- Baisinga,
Dist.- Mayurbhanj.

17. Salkhan Soren,
aged about 42 years,
S/o. Kanhai Soren,
At/PO- Unchagaon,
Dist.- Mayurbhanj.

18. Binod Prasad Behera,
aged about 42 years,
S/o. Mangal Behera,
At- Handa, PO- Bangiriposi,
Dist.- Mayurbhanj.

19. Harendra Naik,
aged about 43 years,
S/o. Mukunda Naik,
At/PO- Silaighati,
Dist.- Mayurbhanj.

20. Mangulu Naik,
aged about 37 years,
S/o. Purna Chandra Naik,
At- Majhigaon, PO- Bangiriposi,
Dist.- Mayurbhanj.

21. Kunaram Hembram,
aged about 40 years,
S/o. Lt. Sunaram Hembram,
At- Adapalt (Nalusahi), PO- Jualia,
Dist.- Mayurbhanj.

22. Sidhilal Murmu,
aged about 39 years,
S/o. Lt. Palu Murmu,
At- Khathubeda, PO- Dugudhi,
Dist.- Mayurbhanj.

23. Chandramohan Choudhury,
aged about 41 years,
S/o. Prafulla Chandra Chaudhury,
At/PO- Purunabaripada,
Dist.- Mayurbhanj.

...Applicants

(Advocates: M/s. S.K.Das, S.K.Mishra, P.K.Behera)

VERSUS

Union of India Represented through

1. Secretary,
Telecommunication Department,
Sanchar Bhawan, New Delhi.



2. Bharat Sanchar Nigam Limited (BSNL), represented through its Chairman-cum-Managing Director, Sanchar Bhawan, Janapath, New Delhi.
3. Chief General Manager, Bharat Sanchar Nigam Limited, Odisha Telecom Circle, Bhubaneswar, Dist- Khurda.
4. Telecom District Manager, Baripada, At/PO- Baripada, Dist- Mayurbhanj.

...Respondents

(Advocate: Mr. S. B. Jena & Mr. K.C.Kanungo)

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O R D E R (ORAL)

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

Heard Mr. S.K.Das, Learned Counsel for the Applicants, Mr. S.B.Jena, Ld. Addl. CGSC appearing for Respondent No.1 and Mr. K.C.Kanungo, Ld. Counsel appearing for Respondent Nos. 2, 3 and 4 and perused the materials placed on record.

2. Misc. Application No. 1015/14 filed by the applicants under Rule 4(4) of the Administrative Tribunal Rules to prosecute this case jointly is allowed.
3. Mr. Das, Ld. Counsel for the applicant, submitted that the applicants are working as daily rated majdoor (DRM) for the last 18-25 years uninterrupted and they are praying for regularization of their services as per the Scheme of regularization adopted by the management of BSNL. Mr. Das by drawing our attention to the common representation preferred by the applicants on 20.01.2014 addressed to Respondent No.2 submitted that though the representation was preferred on 20.01.2014 till date no response has been received from the said Respondent No.2. Accordingly, he has prayed that a direction may be issued to Respondent No.2 to consider the said representation within a specific time frame.

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4. On the other hand, Mr. K.C.Kanungo, Ld. Counsel for the BSNL, vehemently opposed the prayer made in this O.A. However, he is not in a position to apprise this Tribunal regarding status of the aforesaid representation, if at all preferred to Respondent No.2.

5. As stated by Ld. Counsel for the applicant that the representation of the applicants is pending with Respondent No. 2 since 20.01.2014, 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 applicants submitted representation ventilating their grievance on 20.01.2014, they have 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.”

6. In view of the above, while deprecating the action of the Respondent No. 2 for the delay in disposal of the representation of the applicants, without entering into the merit of the matter, we dispose of this OA, at this admission stage with a

W.A.

direction to the Respondent No. 2 to consider and dispose of representation of the Applicants dated 20.01.2014 as at Annexure-A/6, if any such representation has been preferred by the applicants and is still pending, by a reasoned and speaking order and communicate the same to the applicant within a period of 90 days from the date of receipt of copy of this order. If after such consideration, the applicants are found to be entitled to the relief claimed by them then expeditious steps be taken preferably within a further period of 60 days from the date of such consideration to extend the said relief to the applicants. However, if in the meantime the representation has already been disposed of then the result thereof be communicated to the applicants within a period of four weeks from the date of receipt of a copy of this order. No costs.

7. On the prayer made by Mr. Das, 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 applicants for which he undertakes to file the postal requisites by

09.01.2015


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


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

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