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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No.260/00983 of 2014
Cuttack, this the 06th day of January, 2015

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HON'BLE MR. A.K. PATNAIK, MEMBER (Judl.)
HON'BLE MR. R. C. MISRA, MEMBER (Admn.)

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Magata Hotha,
aged about 63 years,
S/o. Late Narayan Hotha,
Of Sridevi Vihar, Khodasinghi,
Near Roland Pharma College,
Berhampur, Dist- Ganjam.

...Applicant

(Advocates: M/s. J.Sengupta, D.K.Panda, G. Sinha, P.P.Behera, Md. E. Uddin)

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Union of India Represented through

1. Director General,
National Sample Survey Organisation (Field Operation Division),
Ministry of Statistics & Programme Implementation,
New Delhi, C-Block,
3rd Floor, Pusa Bhawan, New Delhi- 62.
2. Director (Administration),
National Sample Survey Organisation (Field Operation Division),
Ministry of Statistics & Programme Implementation,
New Delhi, East Block, Level 4 to 7,
R.K.Puram, New Delhi- 62.
3. Assistant Accounts Officer,
Pay and Accounts Office,
1, Council Street, Kolkata, 700001.
4. Director(Statistics),
National Sample Survey Organisation (Field Operation Division),
Bhubaneswar, Commercial Complex, 1st Floor,
Acharya Vihar, Bhubaneswar-13, Dist- Khurda.
5. Assistant Director,
National Sample Survey Organisation (Field Operation Division),
Orissa (East) Region, Sambalpur.

...Respondents

(Advocate: Mr. S.B.Jena)

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ORDER (ORAL)

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

Heard Mr. P.P.Behera, Learned Counsel for the Applicant, and Mr. S.B.Jena, 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.

2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 in which the applicant has prayed for a direction to the Respondents to refix his pay as per the recommendation of the 4th Pay Commission. He has further prayed to declare the recovery made by the respondents as bad in law and to direct the refund of the same and pay all the arrears and consequential financial benefits. The case of the applicant is that after his retirement, his pension papers were returned by the Respondent No.3 on the ground that the pay fixation done on the implementation of the 4th CPC report needs re-examination. Subsequently, on re-examination, his pay was refixed in a lower stage. The claim of the applicant is that the above refixation was done without taking into account the special pay granted to him as per the letter of the Respondent No.1 dated 22.09.1989. Mr. Behera, Ld. Counsel for the applicant, submitted that the applicant has made representations vide Annexure-A/7 and, thereafter, vide Annexure- A/8 series on 04.04.2013 and 14.12.2013 addressed to Respondent Nos. 2, 4 and 5 but till date no reply has been received by the applicant from those authorities.

3. Mr. S.B.Jena, 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.

5. As stated by Ld. Counsel for the applicant that the representations of the applicant is pending with Respondent Nos. 2, 4 and 5 since 04.04.2013, we are

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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 representations ventilating his grievance vide Annexure- A/7 and A/8 series, 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.”

6. In view of the above, while deprecating the action of the Respondent Nos. 2, 4 and 5 for the delay in disposal of the representation of the applicant, without entering into the merit of the matter, we dispose of this OA, at this admission stage with a direction to the Respondent Nos. 2, 4 and 5 to consider and dispose of representations of the Applicant as at Annexures- A/7 and A/8 series 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, in the meantime, the representation has already been disposed of then the result thereof be

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communicated to the applicant within a period of 15 days from the date of receipt of a copy of this order. No costs.

7. On the prayer made by Mr. Behera, Ld. Counsel for the applicant, copy of this order, along with paper book, be sent to Respondent Nos.2, 4 and 5 by Speed Post at the cost of the applicant for which Mr. Behera undertakes to file the postal requisites by 09.01.2015.


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


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

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