

5

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No.260/001032 of 2014
Cuttack, this the 20th day of January, 2015

CORAM


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

...

1. Biranchi Narayan Sahoo,
aged about 55 years,
S/o. Sri Bhima Sahoo.
2. Saroj Kumar Behera,
aged about 50 years,
S/o. Sri Gobinda Chandra Behera.
3. Kshetrabasi Dalai,
aged about 56 years,
S/o. Late Maheswar Dalai.
4. Bibekananda Patra,
aged about 55 years,
S/o. Sri Bichitra Nanda Patra.
5. Purusottam Sahoo,
aged about 54 years,
S/o. Late Danardan Sahoo.
6. Pabitra Mohan Mohanty,
aged about 51 years,
S/o. Late Nrusingh Charan Mohanty.
7. Basanta Kumar Parida,
aged about 53 years,
S/o. Late Bidyadhar Parida.
8. K.Nageswar Rao,
aged about 46 years,
S/o. Late K. Balaram.
9. Harjakshya Keshari Burma,
aged about 53 years,
S/o. Sri Batakrushna Samal.
10. Prabir Kumar Samal,
aged about 53 years,
S/o. Sri Khageswar Samal.
11. Sangram Keshari Smantaray,
aged about 53 years,
S/o. Late Manmohan Samantaray.

Alu

12. Sarat Chandra Sahoo,
aged about 53 years,
S/o. Sri Anama Chara Sahoo.
13. Natabar Panda,
aged about 55 years,
S/o. Late Dhruba Charan Panda.
14. Paramananda Samal,
aged about 56 years,
S/o. Late Sriram Samal.
15. Niranjana Senapati,
aged about 53 years,
S/o. Late Dhaneswar Senapati.
16. Pradeep Kumar Sethi,
aged about 51 years,
S/o. Sri Natha Sethi.
17. Niranjana Sahoo-II,
aged about 54 years,
S/o. Sri Jadunath Sahoo.
18. Kirtan Dash,
aged about 54 years,
S/o. Late Satyabadi Dash.
19. Rabindranath Swain,
aged about 56 years,
S/o. Late Pitambar Swain.
20. Akshaya Kumar Mohanty,
aged about 53 years,
S/o. Late Kulamani Mohanty.
21. Dusashan Nayak,
aged about 53 years,
S/o. Sri Ganeswar Nayak.
22. Sadhu Charan Patra,
aged about 51 years,
S/o. Late Raghunath Patra.
23. Prafulla Chandra Mohapatra,
aged about 55 years,
S/o. Late Brundaban Barik.
24. ASwini Kumar Rout,
aged about 56 years,
S/o. Late Gopinath Rout.



25. Panchanana Panda,
aged about 53 years,
S/o. Late Ratnakar Panda.

26. Abutalib Khan,
aged about 52 years,
S/o. Abdul Habib Khan.

27. Jagannath Das,
aged about 54 years,
S/o. Late Chakradhar Das.

28. Narayan Hati,
aged about 53 years,
S/o. Late Binod Hati.

(All are working as Assistant Accounts Officer at Office of the Principal Accountant General (A&E) Odisha, Bhubaneswar, Dist- Khurda.)

...Applicants

(Advocates: Mr. D.K.Mohanty)

VERSUS

Union of India Represented through

1. Secretary,
Ministry of Personnel Public Grievances and Pensions,
Department of Personnel & Training,
North Block, New Delhi.

2. Comptroller & Auditor General of India,
9, Deendayal Upadhyaya Marg,
New Delhi-110124.

3. Principal Accountant General (A&E),
Odisha, Bhubaneswar,
Dist- Khurda.

4. Sri Sunirmal Kumar Parida, aged about 57 years, S/o. Bhagaban Chandra Parida.

5. Sri Viswa Mohan Pati, aged about 58 years, S/o. Panchanan Pati.

6. Sri Ajit Kumar Sahoo, aged about 56 years, S/o. Dinabandhu Sahoo.

7. Sri Sudhir Chandra Marandi, aged about 59 years, S/o. Dhadia Majhi. All are working as presently Adhoc Asst. Accounts Officer/Senior Accountant Office of the Accountant General, Bhubaneswar.

...Respondents

(Advocate: Mr. S. K.Patra)

.....



ORDER (ORAL)

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

Heard Mr. D.K.Mohanty, Learned Counsel for the Applicants, and Mr. S. K.Patra, 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. M.A.No. 1059/14 filed under Rule 4(4) of the Administrative Tribunals Act, 1985 for joint prosecution is allowed subject to payment of Rs. 50/- per applicant except applicant No.1. M.A. No. 1059/14 is, accordingly, disposed of.

3. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985, praying for a direction to the Respondents to grant pay to the applicants as per their entitlement at par with the pay of the Adhoc Assistant Accounts Officers/Senior Accountants who have been granted with financial upgradation in PB-2 of Rs. 9300-34800/- with Grade Pay of Rs. 5400/- w.e.f. 01.09.2008 as implemented by the office of the Principal Accountant General (A&E), Tamilnadu, Chennai in view of the orders passed by the Central Administrative Tribunal, Madras Bench in O.A.Nos. 966/09 and 967/09 by a common order, which has been upheld by the Hon'ble High Court of Madras vide order dated 19.03.2014 passed in W.P.No. 18611 and 18612 of 2011 and subsequently, upheld by the Hon'ble Supreme Court of India in S.L.P. No. 11103 of 2014. Mr. Mohanty, Ld. Counsel for the applicant, submitted that claiming the said benefits the applicant No.1 filed representation to the Respondents in the year 2013 and other applicants made their representation in the year 2014, which are still pending consideration with Respondent No.3.



4. Mr. S.K.Patra, Ld. ACGSC, submits that he has no immediate instruction if any such representations has been filed by the applicants and, if so, the status thereof.

5. ^{it is} As stated by Ld. Counsel for the applicant that the representations of the applicants are pending with Respondent No.3 since 2013 and 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 representations ventilating their grievance in the year 2013 and 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. 3 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 direction to the Respondent No. 3 to consider and dispose of representation

[Signature]

10

of the Applicants by a reasoned and speaking order and communicate the same to the applicants individually within a period of 60 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 within a further period of 90 days from the date of such consideration to extend the benefit to the applicants. If, in the meantime, the representations have already been disposed of then the result thereof be communicated to the applicants individually 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. Mohanty, Ld. Counsel for the applicant, copy of this order, along with paper book, be sent to Respondent No. 3 by Speed Post at the cost of the applicant for which he undertakes to file the postal requisites by 28.01.2015.



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



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

RK