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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 260/01093 OF 2014
Cuttack this the 2nd day of March, 2015

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

Sri Upendra Nath Bhola,
aged about 66 years,
S/o. Late Gunanidhi Bhola,
At/P.O-Khalladi, Via-Udala,
Dist-Mayurbhanj.

...Applicant
(Advocates: Mr. P.K. Padhi)

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Union of India Represented through

1. Secretary-Cum-Director General of Posts,
Dak Bhawan, Sansad Marg,
New Delhi-110116.
2. Chief Post Master General,
Odisha Circle,
Bhubaneswar, Dist-Khurda - 751001,
3. Superintendent of Post Offices,
Mayurbhanj Division,
At/PO-Baripada, Dist-Mayurbhanj
4. Post Master HSG-I, Baripada HO,
At/PO-Baripada, Dist-Mayurbhanj
5. Inspector of Posts,
Baripada (East) Sub-Division,
At/Po-Baripada, Dist-Mayurbhanj
6. Director of Accounts (Postal),
At-Mahanadi Vihar, Post-Nayabazar, Cuttack-4.

... Respondents

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

ORDER (ORAL)

A.K.PATNAIK, MEMBER (J):

Heard Mr. P.K. Padhi, Learned Counsel for the Applicant and Mr. P.R.J. Dash, Ld. ACGSC appearing for the Respondent, and perused the materials placed on record.

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2. The applicant, a retired GDSMC, Khaladi B.O. under Udala S.O. and Baripada HO has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 with the following reliefs:

“... To quash Annexure-A/1 and direct to refund the amount already recovered with 18% interest and further direct to pay combined duty allowance from 07.03.2003 to 02.02.2013 (till retirement) with 12% interest and impose exemplary cost & compensation.”

3. As it reveals from the O.A., the applicant who was working as GDSMC of Khalladi Branch post office under Udala SO of Mayurbhanj Postal Division retired from service on 03.02.2013.

Mr. Padhi, Ld. Counsel for the applicant, submitted that though the applicant discharged his duties of three posts from 07.03.2003 to 31.12.2005 and two posts from 01.01.2006 till his retirement, the minimum combined duty allowance of Rs.650/- per month and Rs.50/- per month as was prevalent prior to 6th CPC was not paid. On the other hand, without serving any show cause and without affording any opportunity of being heard, Respondent No.4 in pursuance of the order dated 05.09.2013 (Annexure-A/2) of Respondent No.6 recovered Rs.49,146/- from the applicant vide order dated 06.11.2013 (Annexure-A/1). Being aggrieved by this illegal recovery and non-payment of combined duty allowance the applicant made several representations before the Respondents-Department vide Annexure-A/3 series, the last being dated 17.07.2014 Mr. Padhi has further submitted that since the applicant had been obediently working against the combined posts, the order of recovery is totally unjustified. Therefore, he has approached this Tribunal with a prayer that he is entitled

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to combined duty allowance and therefore, the same should be paid to him for three posts from 07.03.2003 to 31.12.2005 and two posts from 01.01.2006 till his retirement and the recovery of combined duty allowance as made from December, 2014 and January, 2015 should be stopped. He further submitted that till date no reply has been received by the applicant from Respondents on these representations.

4. As stated by the Ld. Counsel for the applicant that the representations of the applicant are pending with the authorities since 28.06.2013, I am 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 into 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 on 28.06.2013 and reminders dated 27.08.2013, 24.09.2013, 21.11.2013, 18.06.2014 & last reminder dated 17.07.2014, he has not received any reply till date. It would be in the aptness of things 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."

5. In view of the above, while deprecating the action of the Respondents-Department for not responding to the representations of the applicant, without entering into the merit of the matter, I dispose of this OA, at this admission stage with a direction to the Respondent No. 2 to consider and dispose of representation dated 28.06.2013 (Annexure-A/3 series) of the Applicant by a reasoned and speaking order and communicate the decision to the applicant within a period of 60 days from the date of receipt of 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 15 days from the date of receipt of a copy of this order. No costs.

6. On the prayer made by Mr. Padhi, 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 applicant for which he undertakes to file the postal requisites by 04.03.2015.


(A.K.PATNAIK)
MEMBER(J)