

DA.350/00635/2017
MA.350/00362/2017



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

1. Anup Kumar Mukhopadhyay, S/o Late Beman Behari Mukhopadhyay, aged about 58 years, working as Superintending Engineer(C), Civil Construction Wing, AIR, Doordarshan Bhawan, Kolkata - 700095.
2. Ram Kumar Singh, S/o Shri Kedar Nath Singh, aged about 58 years, working as Superintending Engineer, CCW, AIR, Room No. 113, Lodi Road, CGO Complex, New Delhi - 110003.
3. Ashok V. Naik, S/o Late Venkatraman G. Naik, aged about 59 years, working as Superintending Engineer (C), CCW, AIR, TV Annexe Build... Chepauk, Chennai - 600017.

...Applicants

-Vs-

1. Union of India through the Secretary, Ministry of Information & Broadcasting, Shastri Bhawan, 5th Floor, New Delhi - 110001.
2. Secretary, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, Sansad Marg, North Block, New Delhi - 110001.
3. The Chairman, UPSC, Dholpur House, Shanjhari Road, New Delhi - 110069.
4. Director General, AIR, Civil Construction Wing, Akashvani Bhawan, Sansad Marg, New Delhi - 110001.
5. Chief Engineer - (C), Civil Construction Wing, AIR, Soochna Bhawan, CGO Complex, Lodi Road, New Delhi - 110003.

...Respondents

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O.A.No.350/635/2017
M.A.350/362/2017

Date : 20.07.2017

Coram : Hon'ble Mr. A.K. Patnaik, Judicial Member

For the applicant : Mr. C. Sinha, counsel

For the respondents : Mr. S. Paul, counsel

ORDER

A.K. Patnaik, Judicial Member

The instant O.A. has been filed by three applicant being aggrieved for non-grant of non-functional upgradation in the PB-4 in Grade Pay of Rs.10000/- in organized Group-A Engineering Services having fulfilled the eligibility criteria as prescribed in Office Memorandum dated 18.01.2011.

The applicants have also filed an M.A.No.350/362/2017, seeking permission to file the O.A. jointly.

2. I have heard Mr. C. Sinha, Id. Counsel for the applicants. Id. Counsel for the respondents, Mr. S. Paul is also present and heard.

3. In the O.A., the applicants have prayed for the following reliefs:-

"(a) Liberty may be granted under Rule 4(5)(a) of CAT(Procedure) Rules, 1987 to file and maintain the Original Application jointly;

(b) To direct the respondents to cause them to act in accordance of DOP&T's Office Memorandum dated 18.01.2011 and grant of Grade Pay of Rs.10,000/- at SAG Level in the Organised Group-A Engineering Services w.e.f. June 2012 with all consequential benefits;

(c) Any other order or orders as the Hon'ble Tribunal deems fit and proper."

4. Id. counsel for the applicants, Mr. C. Sinha has submitted that the applicants in the instant O.A. are working as Superintending Engineers under

W. A. Sinha

overall control of Secretary, Ministry of Information & Broadcasting and fulfil all the requisite criteria as prescribed in the Office Memorandum dated 18.01.2011 for grant of Grade Pay of Rs.10,000/- at SAG Level in the Organised Group-A Engineering Services w.e.f. June 2012 with all consequential benefits, but they have not been granted the same. Being aggrieved the applicant No.1 made representation to Respondent No.4 i.e. the Director General, All India Radio, Civil Construction Wing, Soochna Bhawan, New Delhi on 18.01.2017, applicant No.2 made representation to Respondent No.5 i.e. the Chief Engineer(C), CCW, All India Radio, Soochaa Bhawan, New Delhi on 04.08.2016 and applicant No.3 made representation to Respondent No.2 i.e. the Secretary, Ministry of Information & Broadcasting, Shastri Bhawan, New Delhi respectively (Annexure A/2 to the O.A. collectively) but their case has not been considered by the respondents. Mr. Sinha submitted that he would be satisfied for the present if the respondent authorities are directed to consider the said representations of the applicants (Annexure A/2) as per the rules and regulations in force and communicate the decision to the applicant within a specific time frame.

5. 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 to the authorities ventilating his grievances ,no reply has been received by him till date.

6. 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."

7. Considering the aforesaid facts and circumstances I do not think that it would be prejudicial to either of the sides if a direction is issued to the respondents to consider and decide the representations of the applicants as per the relevant rules and regulations governing the field. Accordingly the Respondent No.2,4 and 5 are directed to consider and dispose of the representations of the applicants (Annexure A/2) if such representations are still pending for consideration, by passing a well reasoned order as per rules and intimate the result to the applicants within a period of six weeks from the date of receipt of a certified copy of this order. If the applicants' claim is found to be genuine, the benefits as claimed in their representations be granted to them within a period of further six weeks from the date of taking decision in the matter.

8. It is made clear that I have not gone into the merits of the case and all the points raised in the representations are kept open for consideration by the respondent authorities as per rules and guidelines governing the field

9. As prayed by the Id. Counsel for the applicants, Mr. Sinha, a copy of this order along with the paper book may be transmitted to the Respondents No.2,4 and 5 by speed post by the Registry for which Mr. Sinha undertakes to deposit the cost within one week.



10. With the above observations both the O.A. and M.A. are disposed of. No order as to cost.

(A.K. Patnaik)
Judicial Member

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