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O.A.350/1022/2017

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

O. A. No. 350/00 1022 of 2017

IN THE MATTER OF:

BINOD KUMAR PASWAN, son of Late Hirà Lal Paswan, aged about 47 years, residing at Flat no: 4/E, South Block, 582, Marikpara Road, Nawabganj, Post Office- Ishapore Nawabganj, District- North 24-Parganas, Pin 743144 and working as Junior Works Manager, Section- P&P in the Metal & Steel Factory, Ishapore, Post Office- Ishapore Nawabganj, District- North 24-Parganas, Pin 743144.

...Applicant

-Versus-

1. UNION OF INDIA service through the Secretary, Ministry of Defence (Defence and Production), Government of India South Block, New Delhi-110001

2. THE CHAIRMAN-CUM-DGOF, Ordnance Factory Board, having his office at OA Shaheed Khudiram Bose Road, Kolkata-700001

W.L

3. THE GENERAL MANAGER, Metal & Steel

Factory, Ishapore, Post Office-Ishapore-

Nawabganj, District-24-Parganas (North),

Pin-743144;

4. THE DIRECTOR OF ESTATES,

Government of India, Ministry of Urban

Development Department, Nirman Bhawan,

New Delhi- 110011

Respondent

A handwritten signature consisting of a stylized 'W' or 'M' shape, followed by a vertical line and a diagonal line extending from the bottom left towards the top right.

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

For the applicant : Mr. P.C. Das, counsel
Ms. T. Maity, counsel

For the respondents : None

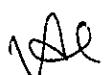
ORDER

A.K. Patnaik, Judicial Member

The instant O.A. has been filed by the applicant being aggrieved for non-payment of House Rent Allowance and non-issue of "No Accommodation Certificate" in his favour. The applicant has also prayed for extension of the benefit of the order dated 18.11.2010 passed by this Tribunal in O.A.No.1183/2010 along with the order of the Hon'ble High Court, Calcutta in W.P.C.T. No.111 of 2011 dated 17.05.2011 which was upheld by the Hon'ble Supreme Court in SLP(Civil)No.26234 of 2011 vide order dated 26.09.2011. He has also prayed for similar benefits as granted to the applicants in O.A.875/2015 by this Tribunal which was upheld by Hon'ble High Court, Calcutta in WPCT.No.470/2013(Union of India & Ors. Vs. Apu Singh & Ors.).

2. I have heard Mr. P.C. Das, Id. Counsel for the applicant. None appears for the respondents.
3. In the O.A., the applicant has prayed for the following reliefs:-

"(a) To pass an appropriate order directing upon the respondent authority to release the House Rent Allowance in favour of the applicant with effect from 26th March, 2016 i.e. from the date of surrendering the government quarter and to release the same along with all arrears and consequential benefits in the light of the decision made by this Hon'ble Tribunal in O.A.No.1183 of 2010 dated 18.11.2010 along with decision of



the Hon'ble High Court at Calcutta in W.P.C.T. No.111 of 2011 dated 17.05.2011 and ultimately upheld by the Hon'ble Supreme Court in Special Leave Petition being SLP(Civil)No.26234 of 2011 vide order dated 29.06.2011 as well as in the light of the recent order passed by this Hon'ble Tribunal dated 14.08.2013 in O.A.No.875 of 2012 and upheld by the Hon'ble High Court at Calcutta in W.P.C.T. No.470 of 2013(Union of India & Ors. Vs. Apu Singh & Ors.);

(b) To pass an appropriate order directing upon the respondent authority to issue the 'No Accommodation Certificate' in favour of the applicant since the applicant has surrendered the government quarter being No.8/N/GF, Palta Park Estate on 26th March, 2016 and the surrendering and taking over certificate issued by the respondent authority but despite the taking over the government quarter from the applicant till today the respondent authority did not issue the 'No Accommodation Certificate' which they cannot withhold in respect of that. The step should be taken by the respondent authority to issue the 'No Accommodation Certificate' in favour of the applicant so that he can draw the House Rent Allowance with effect from the date when he has surrendered the government quarter along with all consequential benefits.

(c) Costs and incidental of this original application;

(d) Any further or other order or orders as Your Honour may seem fit and proper."

4. Id. counsel for the applicant, Mr. P.C. Das has submitted that the applicant has made several representations to the authorities ventilating his grievances therein on 28.04.2016(Annexure A/7 to the O.A.), 18.10.2016 (Annexure A/8 to the O.A.) and 22.04.2017(Annexure A/9 to the O.A.), but his case has not been considered by the respondents. The last representation was sent by the applicant to the General Manager, Metal and Steel Factory, Ishapore(Respondent No.3) on 22.04.2017(dated 21.04.2017). Mr. Das submitted that he would be satisfied for the present if the respondent authorities are directed to consider the said representation of the applicant dated 21.04.2017 (Annexure A/9) 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. Though no notice has been issued to the respondents for filing reply, 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 applicant as per the relevant rules and regulations governing the field. Accordingly the Respondent No.3 i.e. the General Manager, Metal and Steel Factory, Ishapore is directed to consider and dispose of the representation of the applicant dated 21.04.2017(Annexure A/9), if such representation is still pending for consideration, by passing a well reasoned order as per rules and intimate the result to the applicant within a period of six weeks from the date of receipt of a certified copy of this order. If the applicant's claim is found to be genuine, the benefits as claimed in his representation be



granted to him within 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 representation are kept open for consideration by the respondent authorities as per rules and guidelines governing the field. But I hope and trust that the respondents will consider the judgments of the Tribunal , Hon'ble High Court and Hon'ble Supreme Court which are annexed to the O.A. while passing order on the representation of the applicant.

9. As prayed by the Id. Counsel for the applicant Mr. P.C. Das, a copy of this order along with the paper book may be transmitted to the Respondents No.3 by speed post by the Registry for which Mr. Das undertakes to deposit the cost within one week.

10. With the above observations the O.A. is disposed of. No order as to cost.

(A.K. Patnaik)
Judicial Member

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