



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. NO. 1191 OF 2016

DETAILS OF THE APPLICATION

PARTICULARS OF THE : Nikhil Kumar Mondal, son of Late
APPLICANT Mahilal Mondal, aged about 51
years, Ex-Gatekeeper/Engg/ TMZ
was working at Special class
manned interlocked L.C. Gate No.
PH-23 at Km 25/16-17 between
KSBP and TMZ stations of Haldia
- Panskura Section of Kharagpur
Division, South Easter Railway
permanently residing at
Iswaripur, P.O. Barunda, P.S.
Bagnan, District - Howrah, Pin -
711303.

....APPLICANT

-VERSUS-

PARTICULARS OF THE : 1. Union of India service through
RESPONDENTS the General Manager, South
Eastern Railway, 11, Garden
Reach Road, Kolkata - 700043.

Nikhil Kumar Mondal

2. The Divisional Railway Manager, Kharagpur Division, South Eastern Railway, P.O. Kharagpur, District - Paschim Medinipur, Pin - 721301.

3. The Assistant Division Engineer (East) Kharagpur Division, South Eastern Railway, P.O. Kharagpur, District - Paschim Medinipur, Pin - 721301.

4. The Senior Divisional Engineer (West), Kharagpur Division, South Eastern Railway, P.O. Kharagpur, District - Paschim Medinipur, Pin - 721301.

5. The Senior Section Engineer (P-Way) Kharagpur, South Eastern Railway, P.O. Kharagpur, District - Paschim Medinipur, Pin - 721301.

.....RESPONDENTS

eRitohil Mondal

W

O.A. No. 350/01191/2016

Date of order: 23.2.2017

Present : Hon'ble Mr. A.K. Patnaik, Judicial Member
 Hon'ble Ms. Jaya Das Gupta, Administrative Member
 For the Applicant : Sk. S. Rahaman, Counsel
 For the Respondents : Mr. B.L. Gangopadhyay, Counsel

ORDER (Oral)**Per A.K. Patnaik, Judicial Member:**

Heard Sk. S. Rahaman, Ld. Counsel for the applicant and Mr. B.L. Gangopadhyay, Ld. Counsel for the respondents.

2. This O.A. has been filed under Section 19 of the Administrative Tribunal Act, 1985 challenging non-consideration as well as non-disposal of the revisional application dated 28.7.2015 filed by the applicant against the order dated 11.6.2015 vide No. E/11/D&A/N. Mondal/1365 which was received by the applicant on 23.6.2015 with the following reliefs:-

"(a) The order dated 28.6.2012 and 11.6.2015 passed by the Disciplinary Authority and the Appellate Authority are bad in law as the same were issued without following the Statutory Rule as well as violating the provisions laid down in Article 311(2) of the Constitution of India and therefore the same should be quashed.

(b) The Revisional Application dated 28.7.2015 filed against the order dated 11.6.2015 has not been disposed of as per Rule and the same should be quashed by the disposing of the Revisional Application dated 28.7.2015 forthwith."

3. The applicant was working as Gate Keeper/Engg./TMZ, S.E. Railway and while working as such a charge sheet was issued to him under Section 9 of the Railway Servants (Discipline & Appeal) Rules, 1968. The applicant participated in the disciplinary proceeding. After conclusion of the said DA proceedings the applicant was awarded with a penalty of dismissal from Railway service with immediate effect. Thereafter the applicant preferred an appeal which was rejected by the appellate authority on 11.6.2015. Aggrieved by the same the applicant preferred a revision application dated 28.7.2015 which is still pending consideration.

4. 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 representation ventilating his grievance on 28.7.2015, he has not received any reply or got the benefit to which he is entitled to 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."

5. In view of the above, while deprecating the action of the Respondent No.1 for the delay in disposal of the revision petition preferred by the applicant, without entering into the merit of the matter, we dispose of this OA, at the admission stage with a direction to the Respondent No. 1 to consider and dispose of the revision petition of the Applicant dated 28.7.2015 at Annexure-A 6 if it is still pending by a reasoned and speaking order and communicate the same to the applicant within a period of 2 months from the date of receipt of copy of this order and if after such consideration it is found that the applicant is entitled to the relief, then the same may be extended to him within a period of three months therefrom. There shall be no order as to costs.

(Jaya Das Gupta)
Administrative Member

(A.K. Patnaik)
Judicial Member