O.A.350/425/2016

Central Administrative Tribunal

Calcutta Bench

Tapan Kr. Das S/o Late Sudhir Chandra Das, aged about 56 years, working as Sr. Section Engineer under Divisional Railway Manager, Eastern Railway, Sealdah at present residing at Deshbandhupally, P.O. Purnanda Pally, via Naihati, 24 Pgs(N), Pin - 743165.

.. Applicant

- Vs -

1. Union of India through General Manager
   Eastern Railway, Fairlie Place,
   Calcutta - 1.
2. Divisional Railway Manager,
   Eastern Railway, Sealdah - 700014.
3. Sr. Divisional Mechanical Engineer
   Eastern Railway, Sealdah - 700014.
4. Sr. Divisional Personnel Officer
   Eastern Railway, Sealdah - 700014.

.. Respondents.

O.A.No.350/1425/2016 Date of order : 10.03.2017

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

For the applicant : Mr. C. Sinha, counsel

For the respondents : Mr. M.K. Bandyopadhyay, counsel

O R D E R(ORAL)

The applicant has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 challenging the illegal and arbitrary action on the part of the respondent authorities in not refixing the pay of the applicant in the promotional grade of SE/SSE after his next increment in the lower post of JE-I as per 6th CPC from the date of increment in July 2008 with all consequential benefits and for non-consideration and non-disposal of representations submitted by the applicant.

2. In this O.A. the applicant has sought for the following reliefs:-

"8(a) To direct the respondents to refix the pay of the applicant in the promotional grade of SE/SSE after his next increment in the lower post of JE-I as per 6th CPC from the date of increment July, 2008 with all consequential benefits.

(b) To direct the respondents to allow your applicant to exercise option if necessary regarding fixation of pay after his next increment in the lower post as per 6th CPC to grant the above said benefit.

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

3. I have heard the ld. counsel for both sides and perused the materials available on record.

4. Mr. C. Sinha, ld. counsel for the applicant submitted that the applicant has filed several representations to the authorities ventilating his grievances , but no reply has been given by the respondents till date.

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 , he has not received any reply or got the benefits to which he is entitled to, till date. The last representation which has been filed by the applicant is dated 08.08.2016(Annexure A-5).

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 maters 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, the Respondent No.4 i.e. the Senior Divisional Personnel Officer, Eastern Railway, Sealdah is directed to consider and dispose of the representation of the applicant, if pending for consideration, by passing a reasoned and speaking order as per rules and intimate the result to the applicant within a period of three months from the date of receipt of a certified copy of this order. If after such consideration the applicant is found eligible to get the benefits, then expeditious steps should be taken to extend the benefits to the applicant within a further period of two months from the date of taking decision.

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

9. As prayed by Mr. Sinha, a copy of this order along with the paper book may be transmitted to the Respondent No.4 by speed post by the Registry for which Mr. Sinha undertakes to deposit the cost by 24th March, 2017.

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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