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O.A. 350/1828/2017

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

O. A. No. 350/ 18 28 of 2017

In the matter of:

JANARDAN DALUI, son of Late Kalipada Dalui, aged about 51 years, residing at 6/2V, Naktala Road, Kolkata- 700097 and at present working to the post of Senior Stenographer in the office of the Central Glass & Ceramic Research Institute (CGCRI), 196, Raja S.C. Mallick Road, Kolkata- 700032 under Council of Scientific & Industrial Research;

...Applicant

-Versus-

1. UNION OF INDIA service through the Secretary, Council of Scientific and Industrial Research, Anusandhan Bhawan, 2, Rafi Marg, New Delhi-110001.

2. The JOINT SECRETARY (ADMINISTRATION), Council of Scientific and Industrial Research, Anusandhan Bhawan, 2, Rafi Marg, New Delhi-110001.

3. THE DIRECTOR GENERAL, Council of Scientific and Industrial Research,

*del*

Anusandhan Bhawan, 2, Rafi Marg, New  
Delhi-110001.

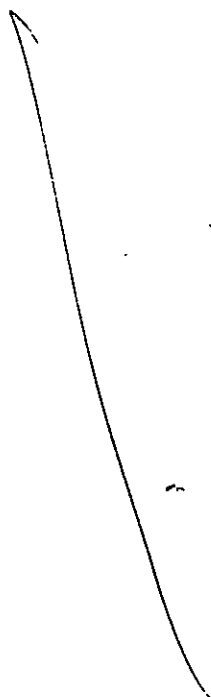
4. **THE UNDER-SECRETARY**, Council of  
Scientific and Industrial Research,  
Anusandhan Bhawan, 2, Rafi Marg, New  
Delhi-110001

5. **THE DIRECTOR**, Central Glass & Ceramic  
Research Institute (CGCRI), 196, Raja S.C.  
Mallick Road, Kolkata- 700032;

6. **SHRI RAJESH K. LIKHAR**, Senior  
Stenographer, CSIR- National  
Environmental Engineering Research  
Institute (NEERI), Nagpur-440020,  
Maharashtra.

...Respondents.

*WAL*



O.A.No.350/1828/2017

Date : 10.01.2018

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

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

For the respondents : Mr. P. Bajpayee, counsel

**ORDER****A.K. Patnaik, Judicial Member**

The instant O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

"8.(a) To pass an appropriate order directing the respondent authority to step up the pay of the present applicant vis-a-vis to the pay of Mr. Rajesh K. Likhar (private respondent herein) who was junior to the present applicant on or before 01.01.2006 in terms of DoP&T's office memo dated 4<sup>th</sup> October, 2012 and to fix the appropriate fixation of pay in favour of the present applicant after granting stepping up of his pay vis-a-vis to the private respondent and grant all consequential benefits in this regard;

(b) To pass an appropriate order directing the respondent authority to carry out the recommendation made by the Central Glass & Ceramic Research Institute (CGCRI) before the Council of Scientific & Industrial Research Authority for giving approval in respect of granting benefit of stepping up of pay in favour of the applicant vis-a-vis to the private respondent with effect from the date when the private respondent has got the same along with all consequential benefits;

(c) To pass an appropriate order directing the respondent authority to grant the benefit of stepping up of pay in favour of the applicant vis-a-vis to the private respondent in the light of the DoP&T's office memo dated 4<sup>th</sup> October 2012 and to give the applicant with all consequential benefits and to fix your applicant's pay accordingly."

4. Ld. counsel for the applicant, Mr. P.C. Das submitted that the applicant made several representations ventilating his grievances therein, but his prayer has not been considered by the respondents. Mr. Das further submitted that he



would be satisfied for the present if the respondent authorities are directed to consider the representation of the applicant dated 08.08.2017(Annexure A/15) made to the Respondent No.5 i.e. the Director, Central Glass & Ceramic Research Institute(CGCRI), 196, Raja S.C. Mallick Road, Kolkata 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

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consider and decide the representation of the applicant dated 08.08.2017(Annexure A/15) as per the relevant rules and regulations governing the field. Accordingly the Respondent No.5 or any other competent authority is directed to consider and dispose of the representation of the applicant dated 08.08.2015(Annexure A/15) if such representation is still pending for consideration, by passing a well reasoned order as per rules within a period of six weeks from the date of receipt of this order and intimate the result to the applicant within a further period of two weeks from the date of taking decision in the matter. If the applicant's claim is found to be genuine, the benefits as claimed in his representation shall be granted to him within a period of 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

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 5 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. stands disposed of. No order as to cost.

(A.K. Patnaik)  
Judicial Member