IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

CALCUTTA BENCH

O.A. No.350/3411 of 2017

Lata Nair (Nee Kurup), wife of K.K. Sasidharan Nair, working for gain at Ordinance Factor Board, in the post of Charge Man 10A, S.K. Bose Road, Kolkata - 700001, residing at 161/162, Diamond Harbour Road, Police Station - Behala, Kolkata-700034.

... Applicant

-VERSUS-

1. Union of India, service through the Secretary, Ministry of Defence having office at South Block, New Delhi-110001.

2. The Secretary (Defence Production), Ministry of Defence, Department of Defence Production, South Block, New Delhi-110001.

Lata Nair

3. The Chairman, Ordnance Factory Board, 10A, Saheed Khudiram Bose Road, Kolkata-700001.

4. The Director General of Ordnance Factories, having office at 10A, S.K. Bose Road, Kolkata – 700001.

.....Respondents

O.A.No.350/341/2017 Date of order : 22.03.2017

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

For the applicant : Mr. S. Das, counsel

For the respondents : Mr. B.P. Manna, 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 following :-

(i) " Purported order bearing No. D.O. Pt. No. 433 dated 13.4.2016 issued by the Director General of Ordnance Factories wherein the applicant's pay scale was fixed at Rs. 14, 700/- + Rs. 4,200/- w.e.f. 01.07.2015 with a direction that amount will be recovered w.e.f. 09.12.2014 (as per Court Case Order vide Case No. 17(9)2002, HQ/NG dated 08.4.2015)

(ii) Purported order bearing No. 132, dated 22nd November, 2016 issued by Staff Officer Head Quarter, Ordnance Factory Board and further order that recovery or adjustment is required to be made in respect of the applicant Smt. Lata Nair, Sl. No. 33.

(iii) Purported order bearing No. D.O. Pt. 240 dated 27.2.2017, issued by the Director General of Ordnance Factories, superseding the earlier order D.O. Pt. II, No. 433, dated 13.4.2016, directing the applicant that the amount will be recovered w.e.f. 24.12.1996 (as per Court Case Order vide Case No. 17(9)2002, HQ/NG dated 08.04.2015)."

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

"8(a) To direct the respondents to forthwith cancel, withdraw and/or rescind and quash the impugned circular bearing No. D.O. Pt. No. 433 dated

13.4.2016 issued by the Director General of Ordnance Factories and refund excess amount if any deduct from the salary of the applicant.

(b) To direct the respondent authority to forthwith cancel and or rescind and quash the impugned circular being No. 132, dated 22nd November, 2016 issued by Staff Officer, Head Quarter, being Annexure "A-9".

(c) To direct the respondent authority not to give any effect or further effect to the circular bearing No. 240, dated 27.02.2017, issued by Staff Officer Head Quarters being annexures "A-10".

(d) To direct the respondents to forthwith cancel, withdraw and/or rescind and quash the impugned circular bearing No. D.O. Pt. No. 240 dated 27.02.2017 being annexures "A-10".

(e) To direct the respondents not to give effect of the circular being No. 57 dated 8th April, 2015 issued by the Staff Officer, Ordinance Factory.

(f) To pass such other or further order or orders as this Hon'ble Tribunal may think fit and proper."

3. I have heard Mr. S. Das, ld. counsel for the applicant and Mr. B.P. Manna, ld. counsel for the respondents and perused the materials available on record.

4. Mr. S. Das, ld. counsel for the applicant submitted that the applicant has made a representation to the respondent No.3 i.e. the Chairman, Ordnance Factory Board, Kolkata ventilating her grievances on 01.03.2017(Annexure A/11 to the O.A.), but no reply has been given by the respondents till date. He further submitted that the applicant would be satisfied if a direction is given to the respondents to consider and decide the representation 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 , she has not received any reply 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 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, 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 representation of the applicant. Accordingly the Respondent No.3 i.e. the Chairman, Ordnance Factory Board, Kolkata is directed to consider and dispose of the representation of the applicant, if pending for consideration, by passing a well reasoned order as per rules and intimate the result to the applicant within a period of two months from the date of receipt of a certified copy of this order. If the applicant is found entitled to the benefits , she should be given the same within a further period of three months from the date of taking decision in the matter. The respondents are also directed not to recover any amount from the applicant till disposal of the representation.

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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. Das, a copy of this order along with the paper book may be transmitted to the Respondent No.3 by speed post by the Registry for which Mr. Das 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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