

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

HON'BLE MR.A.K. GAUR , MEMBER (J).

Original Application Number. 309 OF 2004.

ALLAHABAD this the **04th** day of **February, 2009.**

Prabal Kumar son of Sri Gauri Shankar aged about 24 years, resident of village Vishrampur, Post Office Kagaraul, Tehsil- Khairgarh, District- Agra.

.....Applicant.
VE R S U S

1. Union of India through the Secretary, Ministry of Human Resources Development, Department of Culture, Government of India, New Delhi.
2. The Director General, Archaeological Survey of India, Janpath, New Delhi.
3. The Superintending Archaeologist, Archaeological Survey of India, Agra Circle, 22 Mall Road, Agra.
4. The Conservation Assistant, Archaeological Survey of India, Fatehpur Sikri, Agra Circle, Agra.

.....Respondents

Advocate for the applicant: Sri Satish Dwivedi

Advocate for the Respondents : Sri ~~Deo Prakash~~ H.C. Dwivedi

O R D E R

It has been contended by learned counsel for the applicant that at the time of disengagement of the applicant several fresh candidates and persons junior to the applicant were engaged. He also invited my attention to paragraph 7 of O.A, which is being reproduced herein under:

"7. That at the time of disengagement the following fresh candidates and junior persons to the applicant were working but the applicant was disengaged without any reasonable cause and justification:-

1. Mubeen son of Sri Akbar Khan
2. Mahaj Singh, son of Sri Jwala
3. Pratap son of Sri Latoor
4. Vijay son of Sri Radhey Shyam

✓

5. *Vasluddin son of Sn Kalu*
6. *Wasim son of Sri Nasim Khan*
7. *Bhowalla son of Sri Chhara*
8. *Laxmi son of Sri Chaitupai*
9. *Naubat Singh son of S. Ghissa*

The above mentioned persons were also working under the respondent No. 4 but the applicant was not aware of the fact at the time of disengagement that they are fresh candidates and junior persons to the applicant. The applicant came to know about the said acts in the first week of June 2003.

2. Learned counsel for the applicant also placed reliance on paragraph 14 of the Counter Reply and submitted that the said facts (quoted above) has been admitted by the respondents in their Counter Reply. It is really surprising as to why the services of the applicant were disengaged.

3. Learned counsel for the applicant would further contend that the applicant has already preferred representations dated 27.06.2003 and 26.09.2003 (Annexure A-3 and A-5 respectively of OA), and submitted that the grievance of the applicant might be redressed in case a direction is given to the competent authority i.e. Conservation Assistant, Archaeological Survey of India, Fatehpur Sikri, Agra Circle, Agra (respondent No.4) to consider and decide the same by a reasoned and speaking order within specified period.

*✓ Superintending Archaeologist-Corrected
Fatehpur Sikri 24-2-09*

4. Learned counsel for the respondents has no objection if such direction is given.

5. Accordingly, I direct the Conservation Assistant, Archaeological Survey of India, Fatehpur Sikri, Agra Circle, Agra (respondent No.4) to consider and decide the representations of the applicant dated *✓*

*✓ Superintending Archaeologist-Corrected
Fatehpur Sikri 24-2-09*

*✓ Corrected
Fatehpur Sikri 24-2-09*

27.06.2003 and 26.09.2003 (referred to above) by a reasoned and speaking order taking in to account the points raised therein, within a period of three months from the date of receipt of this order. While deciding the representations of the applicant, the competent authority shall treat the O.A as part of representation.

6. With the aforesaid directions, the O.A is disposed of finally with no order as to costs.

Be noted that I have not passed any order on merits of the case.

Anand
MEMBER- J.

/Anand/