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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

ORIGINAL APPLICATION NO. 334 OF 1994
Cuttack this the 23rd day of May 2000

Nisitha Ranjan Nayak

Applicant(s)

-versus-

Union of India & Ors.

Respondent(s)

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ? *Yes*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? *No*

J. S. D.
(J. S. DHALIWAL)
MEMBER (ADMINISTRATIVE)

S. S.
(SOMNATH SOM)
VTCF-CHAIRMAN
23.5.2000

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CUTTACK BENCH CUTTACK

ORIGINAL APPLICATION NO.334 OF 1994
Cuttack this the 23rd day of May 2000

CORAM:

THE HON'BLE SHRI SOMNATH SOM VICE-CHAIRMAN
AND
THE HON'BLE SHRI J.S.DHALIWAL MEMBER(JUDICIAL)

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Nisitha Ranjan Nayak
aged about 52 years
son of Late Bisabhusan Nayak
residing at Tulasipur
Town & District: Cuttack

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Applicant

By the Advocates : M/s. A. Deo
B. S. Tripathy
P. Panda

-Versus-

1. Union of India represented
by its Secretary in the Ministry of
Personnel Public Grievance and Pension
Department of Personnel
New Delhi
2. Secretary to Government of India
Ministry of Information & Broadcasting
New Delhi
3. Station Director
All India Radio
Cuttack

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Respondents

By the Advocates : Mr. A. K. Bose
Sr. Standing Counsel
(Central)

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ORDER

MR. SOMNATH SOM VTCE-CHARTMAN: In this application the petitioner has prayed for a direction to respondents to treat the applicant as Gazetted Officer and for quashing the note and Memorandum at Annexures-3 and 5 in which the applicant has been directed to sign the Attendance Register on his reporting to office.

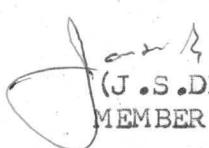
2. The grievance of the applicant is that in order at Annexure-3 it has been mentioned that all staff members excepting Gazetted Officers are required to sign the Attendance Register. The applicant is in the scale of Rs.2000-3500/-. He states that the scale of pay of Group-B non-Gazetted Officer is Rs.1640-2900/- and the scale of pay of Group B Gazetted Officer is Rs.2000-3500/- and as he is in the scale of Rs.2000-3500/- he is a Gazetted Officer and he should not be asked to sign the Attendance Register.

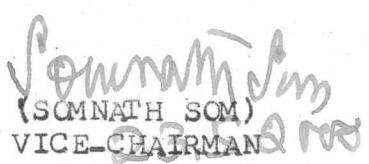
2.1 Respondents in their counter have stated that none of the erstwhile staff artists ~~was~~ like the applicant who were absorbed in the scale of Rs.2000-3500/- treated as Gazetted Officers as their names have not been notified in the Gazettee. All the other persons similarly situated like the applicant ~~are~~ getting the same scale of pay and recording their names in the ^{are} ~~signature~~ ^{signature} ~~J.S.M.~~ Attendance Register. Therefore, it is stated that no exception can be made to the applicant and on the above grounds they have opposed the prayer of the applicant.

3. Learned counsel for the applicant is not present when called nor has there been any request made on his behalf seeking an adjournment. This being an old matter of 1994 it would not be proper to drag on the matter indefinitely. In view of this we have

have heard Shri A.K.Bose, learned Sr.Standing Counsel appearing for the respondents and also perused the records.

4. From the above pleadings of the parties it is seen that the grievance of the applicant is only to ~~debar him from~~ ^{allow} not to signing the Attendance Register. It is doubtful if such a matter can be construed as condition of service. Moreover, respondents have averred that all other staff artists similarly situated as that of the applicant and who have been regularised in Government employment and getting the same scale of pay are signing the Attendance Register - which averment has not been refuted by the applicant by filing any rejoinder. Averment of the respondents that persons similarly situated like the applicant have not been Gazetted on their absorption as permanent employee has also not been contested by the applicant through any rejoinder. In consideration the above, we hold that the applicant has not been able to make out a case for any of the reliefs prayed. The O.A. is therefore, held to be without any merit and the same is rejected, but without any order as to costs.


(J.S.DHALIWAL)
MEMBER (JUDICIAL)


(SOMNATH SOM)
VICE-CHAIRMAN

B.K.SAHOO//