

3
O.A. No. 619/10

ORDER DATED 8th OCTOBER, 2010

P.K. Dalei Applicant
Vrs.
Union of India & Others Respondents

Coram:

HON'BLE MR. C.R. MOHAPATRA, MEMBER(A)

Heard Ms. R. Bahal, Ld. Counsel for the applicant and Sri D.K. Behera, Ld. ASC appearing on notice for the Respondents on whom a copy of this O.A. has already been served.

2. Ms. Bahal, Ld. Counsel for the applicant submits that the applicant has already made representation claiming 1/30th of the pay since 2004 at the minimum of the relevant pay scale plus dearness allowance for work of 8 hours a day against a group D post in terms of the DOP&T OM dated 07.06.1988 (Annexure-A/1) and Dy. Director (Accounts), Archaeological Survey of India letter dated 07.07.1992. She also submits that in the case of similarly situated casual workers, this Tribunal vide its order dated 14.09.2009 in O.A. No 332/09 has directed as follows:-

“ Since the point to be decided in this O.A. is no more res integra in view of the judgements of the Hon'ble Apex Court reported in AIR 1986 1 SCC 637 (Dhirendra Chamoli V. State of U.P.) and AIR 1987 SC 2342 (Daily Rated Casual Labour employed under P & T Department through Bharatya Dak Tar Mazdoor Manch, Petitioners V. Union of India & Others). Hence, in the fitness of things, we direct the Respondent Department to consider the case of the applicant in the light of the decisions of the Hon'ble Supreme Court as well as the Office Memorandum of DOP&T (cited supra) and keeping in view the fact that applicant's juniors have been granted the benefit and pass appropriate orders, within a period of 90 days from the date of receipt of copy of this order.”

3. Sri D.K. Behera, Ld. ASC appearing for the Respondents has no serious objection if a direction is issued to the Respondent No.3 to consider the case of the applicant in line with the order of this Tribunal dated 14.09.2009 in O.A. No.332/09 and also the orders issued by the DOP&T (cited *supra*).

4. At this stage, without going into the merit of the case, and as agreed to by the Ld. Counsel for the parties, Respondent No.3 is directed to consider the pending representations of the applicant in the light of the observations made above and pass a reasoned order within a period of 60 (sixty) days from the date of receipt of copy of this order. Till such time no coercive action will be taken against the applicant.

5. With the above observation and direction without going into the merit of the case this Original Application is disposed of at the stage of admission itself.

6. Send copy of this order to the Respondent No.3 (together with the copy of this O.A) by Registered Post at the cost of the Applicant. Ms. R. Bahal, Ld. Counsel appearing for the applicant undertakes to deposit the required postages in course of the day.

7. Copies of this order be also sent to the Ld. Counsel appearing for the parties.

Champak
MEMBER(A)