

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)

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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.


MEMBER(A)