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O.A.No.137/2010

ORDER DATED 29th MARCH, 2010

Coram:

Hon'ble Mr. C.R. Mohapatra, Member (A)

Ashok Behera.....Applicant.

Vs.

Union of India & Ors.Respondents.

“Where nature of work, entrusted to the Casual Workers and regular employees is the same, the casual worker may be paid at the rate of 1/30th of the pay at the minimum of the relevant pay scale plus dearness allowances for work of 8 hours a day” is the instruction of Government of India as reflected in DOP&T Office Memorandum placed at Annexure-1 dated 07.06.1988 and by a Circular letter dated 07.07.1992 of Archaeological Survey of India all their subordinate officers were asked to follow the said Office Memorandum dated 07.06.1988 of DOP&T.

2. Applicant, who claims to be serving the Respondent Organisation as a casual hand, claims to have represented on 07.04.2004 and, again on 06.11.2009 (as is seen in Annexure-4 and Annexure-6) seeking pay in terms of Government of India/DOP&T Office Memorandum dated 07.06.1988.

3. By way of filing the present Original Application (on 15.03.2010) under Section 19 of the Administrative Tribunals Act, 1985 the Applicant has prayed as under:-

"The Respondents may be directed to release the 1/30th of the pay at the minimum of the relevant pay scale plus dearness allowance against a group D post along with other service benefits retrospectively to which the juniors to the applicant have been receiving since 2002.

4. Heard Ms. R. Bahal, Ld. Counsel for the Applicant and Mr. D.K. Behera, Ld. Addl. Standing Counsel for the Respondents to whom a copy of this O.A. has already been supplied and perused the materials placed on record. At the outset by producing a copy of the order dated 12.03.2010 in O.A. No.61/2010 of the Division Bench of this Tribunal it was contended by the Ld. Counsel for the applicant that this case is fully covered by the above order. In the light of the above order this O.A. can be disposed of at this stage by directing the Respondents to consider and dispose of these representations in the light of the direction given in the aforesaid O.A. as the representation of the applicant is still lying with the Respondents. This was also agreed to by the Ld. Counsel appearing for the Respondents.

5. Since it is the positive case of the Applicant that he is continuing to serve the Respondent Organisation as a

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casual hand and that his representations (seeking better wages) are still pending with the Respondents, without any waste of time and without entering into merit, I hereby dispose of this case by remitting the matter to the Respondents; who should consider the grievances of the Applicant (as raised in his representations and in the present Original Application) and pass a reasoned order, within a period of 90 days from the date of receipt of a copy of this order, under intimation to the Applicant.

6. Send copies of this order to the Applicant and the Respondents (along with copy of this O.A) by Registered Post.

7. Free copies of this order be also supplied to the Ld. Counsel appearing for both sides.



MEMBER(A)