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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00792 OF 2016
Cuttack, this the 29th day of November, 2016

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

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1. Bijaya kumar Samal, aged about 39 years, Son of Rabindranath Samal, At/PO-Jhintisasan, P.S-Balipatna, Dist- Khurda, At present working as a Casual Worker awarded with 1/30th status at Archaeological Survey of India, Jagannath Temple, At/PO/PS-Jajpur Town, Dist-Jajpur, Odisha.
2. Rajkishore Samal, aged about 42 years, Son of Late Nabina Samal, At-Sanamachapur, PO-Dalakashati, P.S-Balipatna, Dist- Khurda, At present working as a Casual Worker awarded with 1/30th status at Singha Nath Temple, Archaeological Survey of India, site, Banki, Dist-Cuttack, Odisha.
3. Dasharathi Pallai, aged about 42 years, Son of Late Dhaneswar Pallai, At-Kantapada Sisu Bagicha Sahi, PO-Sankhamari, P.S-Badamba, Dist- Cuttack, At present working as a Casual Worker awarded with 1/30th status at Baidesar Temple, Archaeological Survey of India, site, Ragadi, Banki, Dist-Cuttack, Odisha.

...Applicant

(By the Advocate-M/s. B. Rout, P. Behera)

-VERSUS-

Union of India Represented through

1. Secretary, Ministry of Culture, Govt. of India, Shastri Bhawan, New Delhi-110001.
2. Director General, Archaeological Survey of India, Janpath, New Delhi-110011.
3. Superintending Archaeologist, Archaeological Survey of India, Toshali Apartment, Satya Nagar, Block No.VI, 2nd Floor Bhubaneswar, Dist-Khurda, Odisha.
4. Ajay Kumar Khuntia, aged about 45 years, Son of Drona Khuntia, Working as Monument Attendant, Office of the Superintending Archaeologist, Archaeological Survey of India, Circle Office, Bhubaneswar, Dist-Khurda, Odisha.
5. Gangadhar Nayak, aged about 43 years, Son of Laxmidhar Nayak, Working as Monument Attendant, Office of the Superintending Archaeologist, Archaeological Survey of India, Circle Office, Bhubaneswar, Dist-Khurda, Odisha.

...Respondents

By the Advocate- (Mr.A. C. Deo)

ACD

ORDER (ORAL)

A.K.PATNAIK, MEMBER(J):

Heard Mr. B. Rout, Ld. Counsel appearing for the applicants and Mr. A.C. Deo, Ld. ACGSC appearing for the Respondents on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. M.A. No.683/16 for joint prosecution is allowed. Accordingly, M.A. No.683/16 is disposed of.

3. This O.A. has been filed by the applicants under Section 19 of the Administrative Tribunal Act, 1985 challenging the action of the Respondents in not extending the benefit of Temporary Status and regularization in accordance to the O.M. dated 10.09.1993 issued by DOP&T as the same has been extended to other similarly placed employees which is parse illegal, arbitrary and malafide intention of the authorities. However, by ventilating their grievance the applicants have submitted representation dated 13.07.2016 (Annexure-A/5) before the Director General, Archaeological Survey of India, Janpath, New Delhi (Respondent No.2) and till date no communication has been received from the said Respondent on the outcome of the representation.

4. As it was stated by Mr. Rout that a representation has been preferred by the applicants and the same has been pending consideration, without waiting for any reply from the Respondents, I dispose of this O.A. at the stage of admission itself by directing Respondent No.2 that if any such representation has been preferred by the applicants on 13.07.2016 and the same is still pending consideration then the same may be considered and disposed of and the result be communicated to the applicant by way of a

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reasoned/speaking order within a period of two months from the date of receipt of copy of this order.

5. Though I have not expressed any opinion on the merit of the matter all the points raised in the representation which is pending before the Respondent No.2 shall be considered as per Rules and Regulations in force. If, after such consideration it is found that the applicants are entitled to the relief claimed by them then the same may be extended to them expeditiously within a further period of three months from such consideration.

6. However, it is made clear that if in the meantime the said representation has already been considered and disposed of then the result of the same be communicated to the applicants within a period of four weeks from the date of receipt of copy of this order.

7. With the above observation and direction, this O.A. is disposed of at the stage of admission itself. No costs.

8. On the prayer made by Mr. B. Rout, Learned counsel for the applicant, copy of this order along with paper book of O.A. be sent to Respondent Nos. 1, 2 & 3 by Speed Post at the cost of the applicant for which Mr. Rout undertakes to file the postal requisites by 02.11.2016.


(A.K.PATNAIK)
MEMBER(J)