CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK
O. A. No. 260/73 OF 2015
Cuttack, this the 24th day of November, 2017

CORAM
HON'BLE MR. S. K. PATTNAIK, MEMBER(J)
.....

Shri Chandrasekhar Moharana, aged about 38 years, S/o- Jogendra Moharana, At-OTM Labour Colony, PO/PS- Choudwar, Dist-Cuttack, At present working as Casual Worker at Sri Jagannath Temple, Archaeological Survey of India Site, At/PO/PS/ Dist-Puri, Odisha.

...Applicant

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

-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, Satyanagar, Bhubaneswar-7, Dist-Khurda, Odisha.
4. Asst. Labour Commissioner(Central), O/o Dy. Chief Labour Commissioner, Lewis Road, Bhubaneswar, Dist-Khurda, Odisha.

...Respondents

By the Advocate- (Mr. S. Behera)

ORDER

Mr. S. K. Pattnaik, MEMBER (J):

Applicant has filed this O.A. for a direction to the respondents to grant 1/30th status to him with all other benefits to which he is legally entitled to with effect from the date of enjoyment of such benefit by his colleagues. Applicant also seeks quashing of the order dated 07.08.2014 (Annexure A/6) by which his representation was rejected with a stigma that he does not fulfill the criteria.

2. In course of argument, Ld. Counsel for the applicant drew attention of this Bench to an earlier order passed by a Coordinate Bench in O. A Nos. 934, 935 of 2014 and O. A. Nos. 23, 24 of 2015 disposed of by a common order dated 23.06.2017 wherein this Bench has passed the following order:

" 6. ..... One thing is clear that the claim of the applicants cannot be summarily thrown out. The Respondents need to keep their cases under consideration under suitable criteria for conferring 1/30th status by following the guidelines of the Government as laid down by the DOP&T in their O.M dated 07.06.1998. It is also very important to ensure that discrimination and arbitrariness should be completely avoided in the matters of such consideration.

7. Based upon the discussion made above it is directed that Respondents may reconsider the matter in the light of the observations made above. The orders impugned in all the O.As are quashed and the matters are remitted to Respondents No. 2 for reconsideration, on the basis of observations made above."

3. In course of argument, Ld. Counsel for the applicant submitted that in response to the order passed in the earlier O.As, the Department has already complied with the order of this Tribunal.

4. Ld. Counsel for the respondents fairly admitted that if that is the state of affairs, there may be no objection for the respondents to consider the grievance of the applicant in the same vein.

5. In the light of the above circumstances, the O.A is disposed of with a direction to the respondents to re-consider the matter and the matter is remitted to Respondent No.2 for reconsideration on the basis of observations made in the earlier O.As referred above and the impugned order dated 07.08.2014 (Annexure-A/6) is hereby quashed.

6. OA is disposed of accordingly. The exercise be completed preferably within a period of four months from today.

29/x/17

(S.K.PATTNAIK)
Member (Judl.)