

50

18

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

Original Application Nos. 260/00 752 of 2012, 77, 81, 95, 96,
97, 102, 107, 195, 197, 198 of 2015 and 497 of 2017
Cuttack, this the 2nd day of January, 2018

CORAM

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

HON'BLE DR. M. SARANGI, MEMBER (A)

.....

1. Laxmidhar Mohapatra, aged about 32 years, S/o- Sankar Mohapatra, Village- Uttarhana, PO-Basudevpur, PS- Chandanpur, Dist-Puri.
2. Laxmidhar Mohapatra, aged about 30 years, S/o- Halu Mohapatra, Village- Uttarhana, PO-Basudevpur, PS- Chandanpur, Dist-Puri.

(All the applicants are working as Casual Labours of Archaeological Survey of India, Puri Sub-Circle, Puri.

...Applicants (in O.A.No. 752/2012)

(By the Advocate – M/s. K.C.Kanungo, H.V.B.R.K. Dora)

Akhya Mallik, aged about 35 years, S/o- Fakir Mallik, At/PO- Ratnagiri, PS-Bari, Dist- Jajpur. At present working as Casual Worker at Ratnagiri, Archaeological Survey of India Horticulture site, At/PO- Ratnagiri, PS-Bari, Dist- Jajpur, Odisha.

...Applicant (in O.A.No. 77/2015)

Harish Chandra Mallik, aged about 30 years, S/o- Late Radheshyam Mallik, At/PO- Ratnagiri, PS-Bari, Dist- Jajpur. At present working as Casual Worker at Ratnagiri, Archaeological Survey of India Horticulture site, At/PO- Ratnagiri, PS-Bari, Dist- Jajpur, Odisha.

...Applicant (in O.A.No. 81/2015)

Radheshyam Mallik, aged about 35 years, S/o- Ghanashyam Mallik, At/PO- Ratnagiri, PS-Bari, Dist- Jajpur. At present working as Casual Worker at Ratnagiri, Archaeological Survey of India Horticulture site, At/PO- Ratnagiri, PS-Bari, Dist- Jajpur, Odisha.

...Applicant (in O.A.No. 95/2015)

Gautam Charan Mallick, aged about 35 years, S/o- Late Hrudananda Mallik, At/PO- Ratnagiri, PS-Bari, Dist- Jajpur. At present working as Casual Worker at Ratnagiri, Archaeological Survey of India Horticulture site, At/PO- Ratnagiri, PS-Bari, Dist- Jajpur, Odisha.

...Applicant (in O.A.No. 96/2015)

Substantia
2.1/18

Ashok Kumar Mallik, aged about 30 years, S/o- Narahari Mallik, At/PO- Ratnagiri, PS-Bari, Dist- Jajpur. At present working as Casual Worker at Ratnagiri, Archaeological Survey of India Horticulture site, At/PO- Ratnagiri, PS-Bari, Dist- Jajpur, Odisha.

...Applicant (in O.A.No.97/2015)

Narendra Kumar Mallik, aged about 33 years, S/o- Late Muralidhar Mallik, At/PO- Pathapur, PS-Bari, Dist- Jajpur. At present working as Casual Worker at Ratnagiri, Archaeological Survey of India Horticulture site, At/PO- Ratnagiri, PS-Bari, Dist- Jajpur, Odisha.

...Applicant (in O.A.No.102/2015)

Srikant Kumar Mallik, aged about 35 years, S/o- Gayadhar Mallik, At/PO- Ratnagiri, PS-Bari, Dist- Jajpur. At present working as Casual Worker at Ratnagiri, Archaeological Survey of India Horticulture site, At/PO- Ratnagiri, PS-Bari, Dist- Jajpur, Odisha.

...Applicant (in O.A.No.107/2015)

Umesh Chandra Mallik, aged about 32 years, S/o- Late Kailash Chandra Mallik, At/PO- Ratnagiri, PS-Bari, Dist- Jajpur. At present working as Casual Worker at Ratnagiri, Archaeological Survey of India Horticulture site, At/PO- Ratnagiri, PS-Bari, Dist- Jajpur, Odisha.

...Applicant (in O.A.No.195/2015)

Manu Mallik, aged about 30 years, S/o- Late Gopi Mallik, At/PO- Ratnagiri, PS-Bari, Dist- Jajpur. At present working as Casual Worker at Ratnagiri, Archaeological Survey of India Horticulture site, At/PO- Ratnagiri, PS-Bari, Dist- Jajpur, Odisha.

...Applicant (in O.A.No.197/2015)

Anirudha Mallik, aged about 30 years, S/o- Late Radheshyam Mallik, At/PO- Ratnagiri, PS-Bari, Dist- Jajpur. At present working as Casual Worker at Ratnagiri, Archaeological Survey of India Horticulture site, At/PO- Ratnagiri, PS-Bari, Dist- Jajpur, Odisha.

...Applicant (in O.A.No.198/2015)

1. Sri Arjuna Behera, aged about 29 years, Son of Krushna Chandra Behera, At-Rampur, PO-Laxmiprasad, Dist- Boudh, At present working as a casual worker at Nilamadhava Sidheswar Temple, Archaeological Survey of India Site, At/PO-Gandhradi Dist. Boudh, Odisha.

2. Sri Susanta Kumar Sethi, aged about 29 years, Son of Late Jogendra Sethi At/PO-Laxmiprasad, Dist-Boudh, At present working as a casual worker at Nilamadhava Sidheswar Temple, Archaeological Survey of India Site, At/PO-Gandhradi Dist. Boudh, Odisha.

...Applicants (in O.A.No. 497/2017)

(By the Advocates – M/s. P. B. Mohapatra, S.Ganesh, B. Rout, M.Rout)

Handwritten signature and date:
24/1/18

-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 Plaza, Block-VI, 1st Floor, Satyanagar, Bhubaneswar-7.

...Respondents (in O.A.No. 752/2012)

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. Director Horticulture, Archaeological Survey of India, Horticulture Division, Eastern Gate, Mall Road, Agra, Uttar Pradesh-282001.
4. Dy. Superintending Horticulturist, Archaeological Survey of India, Toshali Apartment, Satyanagar, Bhubaneswar-7, Dist-Khurda, Odisha.

...Respondents (in O.A.No. 77, 81, 95,
96, 97, 102, 107, 195, 197, 198/2015)

Union of India Represented through

1. Secretary, Ministry of Information and Broadcasting, Shastri Bhawan, New Delhi-110001.
2. Director General, Archaeological Survey of India, Janpath, New Delhi-110011.
3. Superintending Archaeologist, Archaeological Survey of India, Bhubaneswar Circle, Toshali Apartment, Block No.-VI, Satya Nagar, Bhubaneswar-7, Dist-Khurda, Odisha.

...Respondents (in O.A.No. 497 of 2017)

By the Advocate- Mr. S.B.Mohanty in O.A.No. 752/2012
Mr. S. K. Singh in O.A.Nos. 77, 81, 95, 96,
195, 197, 198/2015
Mr. A.K.Mohapatra in O.A.No. 97/2015
Mr. G.R.Verma in O.A.No. 102/2015
M/s. A.K.Mohapatra & S.K.Singh in O.A.No. 107/2015
Mr. A.Pradhan in O.A.No. 497/2017

.....

J. K. Mohanty
21/11

ORDER

S. K. PATTNAIK, MEMBER (JUDL.):

Heard Ld. Counsels appearing for the respective parties in their respective O.As.

2. Since in all the O.As. a common question of law is involved and all the applicants in their respective O.As. have prayed for grant of 1/30th status by quashing the rejection order and during the course of hearing also Ld. Counsels appearing for the respective applicants have submitted that the matter is similar to the O.A.No. 934/2014 filed before the Tribunal, which has been disposed of on 23.06.2017, all these O.As. are disposed of vide this common order. For the sake of reference, facts of O.A.No. 77/2015 are being discussed below.

3. 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 20.08.2013 (Annexure-A/3) by which his representation was rejected with a stigma that he does not fulfill the criteria.

4. 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

JS Gattina
21/18

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 20.08.2013 (Annexure-A/3) is hereby quashed.

6. Accordingly, all the O.As. are disposed of while quashing the impugned rejection order, if any. The exercise be completed preferably within a period of four months from today. No costs.


(M. SARANGI)
Member (Admn.)


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