

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No.260/00592 of 2015
Cuttack, this the 14th day of September, 2015

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HON'BLE MR. A.K. PATNAIK, MEMBER (J)
HON'BLE MR. R.C. MISRA, MEMBER (A)

Sri Chandrakanta Dash,
aged about 52 years,
Son of Srinath Dash,
At/PO-Barikul, P.S-Binjharpur,
Dist-Jajpur, At present working
As casual worker awarded with 1/30th status,
Archaeological Survey of India Site, Bodhi,
AT/PO-Choudwar, Dist-Cuttack, Odisha.

..... ..Applicant

(Advocates: M/s. S.K. Ojha, P.B. Mohapatra)

VERSUS

Union of India Represented through

1. Secretary,
Ministry of Culture,
Shastri Bhawan, 'A' Wing,
New Delhi-110001..
2. Director General,
Archaeological Survey of India,
Janpath, New Delhi-110011.
3. Superintending Archaeologist,
Archaeological Survey of India,
Tosahali Apartment,
Block No.-VI, Satya Nagar,
Bhubaneswar-07,
Dist-Khurda, Odisha.

..... Respondents

(Advocate: Mr. S.K. Singh)

ORDER(Oral)

A.K. PATNAIK, MEMBER (J):

Heard Mr. S.K. Ojha, Learned Ld. Counsel appearing for the Applicant and Mr. S.K. Singh, Ld. 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. The facts of the case are that the Applicant was engaged as a Casual Labourer under the Office of the Respondent No.3 at Bhubaneswar in the year 1995 on daily wage basis and is continuing as such till date in different places since last 20 years. Mr. Ojha submitted that in the meantime, the applicant has been awarded with 1/30th status in the year 2008 as the nature of work entrusted to him and regular employees is same as per DOP & T circular dated 07.06.1988. Ld. Counsel for the applicant further submitted that the applicant is drawing the minimum scale of pay applicable to the Group D employees with usual DA and Grade Pay of Rs.1300/-. But in the mean time the scale belong^{ing} to Group D were^{was} merged with entry grade in Pay Band-1 due to up gradation of Group D posts i.e., revised pay scale of Rs.4860-20200 with Grade pay of Rs.1800/- as per Sixth Central Pay Commission. Now the applicant is drawing the revised minimum pay scale with usual DA and Grade Pay of Rs.1300/-, where^{as} he is eligible to get Grade Pay of Rs.1800/-. He further submits that in the similar footing one Trinath Mohapatra, casual worker awarded with 1/30th status is drawing the grade pay of Rs.1800/- where as the applicant is discriminated^{against}. Hence the applicant made a representation dated 16.04.2015 (Annexure-A/3) before Respondent No.3 with a prayer for granting of Grade Pay at the rate of Rs.1800/- instead of Rs.1300/- as per revised pay scale vide Sixth Pay fixation. But till date no reply has been received by the applicant. Hence, he has approached this Tribunal in the present Original Application with the aforesaid prayer.

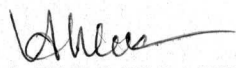
3. In view of the aforesaid facts, as the representation dated 16.04.2015 (Annexure-A/3) is still pending with the Respondent No.3, at this stage, we

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dispose of this O.A. by directing Respondent No.3 to consider and dispose of the said representation dated 16.04.2015 (Annexure-A/3) and communicate the result thereof to the applicant by way of a reasoned and speaking order within a period of two months from the date of receipt of copy of this order. However, we have not expressed any opinion on the merit of the matter and the points raised by the applicant in his representation are kept open for the authorities to consider the same as per rules, regulations and law in force. If after such consideration, the applicant is found to be entitled to the relief claimed by him then expeditious steps be taken within a further period of three months from the date of such consideration to extend the benefit to the applicant. However, ^{if} in the meantime, the said representation has already been disposed of, then the result thereof be communicated to the applicant within a period of four weeks' from the date of receipt of a copy of this order. No costs.

4. On the prayer made by Mr. S.K. Ojha, Ld. Counsel appearing for the applicant, copy of this order, along with paper books, be sent to Respondent No.3 by Speed Post at the cost of the applicant for which he undertakes to file the postal requisites by 16.09.2015.


(R.C.MISRA)
MEMBER(A)


(A.K.PATNAIK)
MEMBER(J)