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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00664 OF 2015

Cuttack, this the 29th day of October, 2015

CORAM

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

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

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Sri Brajabandhu Nayak, aged about 27 years, S/o. Fakir Charan Nayak, At-Banapada, P.O/P.S.-Konark, Dist-Puri, presently working as a Casual Chowkidar at Chemist Branch Store, Konark, Archaeological Survey of India Site, At/P.O/PS-Konark, Dist-Puri, Odisha.

.....Applicant

(Advocate: M/s. M.R. Mohanty, R. Behera, G.K. Nayak)

VERSUS

Union of India Represented through

1. Director General, Archaeological Survey of India, Janpath, New Delhi-110011.
2. Superintending Archaeological Chemist, Archaeological Survey of India, Science Branch, Toshali Apartment, Satyanagar, Bhubaneswar-07, Dist-Khurda, Odisha.

... Respondents

(Advocate: Mr. C.M. Singh)

ORDER (Oral)

A. K. PATNAIK, MEMBER (J):

Heard Mr. M.R. Mohanty, Ld. Counsel appearing for the Applicant and Mr. C.M. Singh, 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. We find that in pursuance of our order dated 8th October, 2015 Mr. Singh submitted that over telephone he has received instruction that the local office at Bhubaneswar i.e., Superintending Archaeological Chemist, Archaeological Survey of India, Bhubaneswar (Respondent No.2) has not received any instructions regarding status of the representation so preferred by the applicant to Respondent No.1.

3. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“ i)...To pass appropriate orders directing the departmental respondents to consider the case of the applicant for grant/allotment of work equally amongst group ‘D’ 1/30th status.

(ii) To pass such order(s)/direction(s) calling for the relevant records from the Department as are deemed just and proper in the facets and circumstances of the case and allow the a original application with cost.”



4. Mr. Mohanty, Ld. Counsel for the applicant submitted that alleging non consideration of the case of the applicant for the aforesaid relief as claimed by him, the applicant submitted representation dated 07.09.2015 (Annexure-A/2) to Respondent No.1. It has further been submitted that till date no response has been received by the applicant on his representation. Hence, the applicant has filed this O.A. with the prayer as aforesaid.

5. Since the representation submitted by the applicant is stated to be pending, without entering into the merit of this case, we dispose of this O.A at the stage of admission by directing Respondent No.1 to consider the representation dated 07.09.2015 (Annexure-A/2) if the same is still pending, as per the extent Rule and regulation 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. We hope and trust, If, after such consideration it is found that the applicant is entitled to the relief claimed by him then expeditious steps be taken to extended the benefit to him preferably within a further period of three months from such consideration. Though we have not expressed any opinion on the merit of the case, we make it clear that all the points raised in the representation will be kept open for the Respondents to consider the same as per rules, regulations and law in force. However, it is made clear that if in the meantime the said representation dated 07.09.2015 (Annexure-A/2) has already been disposed of then the result of the same be communicated to the applicant within a period of two weeks.

6. In the result, the O.A. is disposed of at the stage of admission itself. No costs.

7. On the prayer made by Mr. Mohanty, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No.1 by Speed Post for which Mr. Mohanty undertakes to file the postal requisites by 06.11.2015.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)