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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

Original Application No.260/00863 of 2015
Cuttack, this the 4th day of December, 2015

CORAM

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

Sri Benudhara Singha, aged about 37 years, S/o. Late Gajendra Nth Singha, At/PO-Gududa Patana, P.S. -Remuna, Dist-Balasore, at present working as a casual worker attaining the duty of an Electrician, Office of the Station Engineer, H.P.T. Balasore, At-Bhimpura, PO-Haripur, Motiganj, Dist-Balasore, Odisha.

...Applicant

(Advocate: M/s. S.K. Ojha, S.K. Nayak, S. Ganesh)

VERSUS

1. The Director General, Door Darshan, Copernicus Marg, Mandi House, New Delhi.
2. Superintending Engineer, Door Darshan Kendra, At/PO-Sainik School, Bhubaneswar, Dist-Khurda.
3. Station Engineer, Door Darshan Maintenance Centre, and V.H.P.T., At-Bhimpura, PO-Haripur, Via-Motiganj, Dist-Balasore, Odisha.
4. Union of India Represented through, The Secretary, Ministry of I & B. Sastri Bhawan, New Delhi-110001.

... Respondents

(Advocate: Mr. S.K. Singh)

ORDER (Oral)

R.C. MISRA, MEMBER (A)

Heard Sri S.K. Ojha, learned counsel for the applicant and Sri S.K. Singh, learned ACGSC appearing for the respondents.

2. At the outset, Sri Ojha made a prayer that he would like to correctly implead the Union of India through the Secretary, Ministry of I & B. Sastri Bhawan, New Delhi as Respondent No.4. He is allowed to do so in the Court copies of O.A as well as the copy served on Sri Singh, Ld. ACGSC.

3. The facts of the case as submitted by Sri Ojha, Ld. Counsel are that the applicant was engaged as casual labourer under Respondent No.3 at Balasore, V.L.P.T and D.D.M.C. on 15.01.1999 on daily wage basis. He has also been discharging his duties uninterruptedly till date and has already completed more than 240 days in a calendar year to the utmost satisfaction of the authorities. It has been brought to my notice that the Department of Personnel and Training in its O.M. dated 07.06.1988 has been requested all the Ministries/Departments of Govt. of India to carry out the decision of the Constitution Bench of the Hon'ble Apex Court in Surinder Singh & Others - Vrs- Union of India by framing guide lines in the matter of recruitment of casual workers on daily wage basis. However, the nature of work entrusted to

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the applicant is the work of a regular employee, and therefore, he is eligible to get 1/30th status. The applicant has made several representations to the concerned authorities in this regard. However, applicant is yet to receive 1/30th status. Therefore, that is the reason why the applicant has approached this Tribunal with the prayer to issue directions to Respondents to confer 1/30th status on him retrospectively, as per the relevant guidelines. A copy of the DOP&T O.M. No.49014/2/86 Estt.(C) is annexed as Annexure-A/1 to this O.A. When asked whether the applicant has made any latest representation in the matter to the concerned authorities, Sri Ojha brought to my notice that on 22.06.2015 the applicant has made such representation to the Director General, Doordarshan, New Delhi who is Respondent No.1 of this O.A., which according to him is still pending.

4 On the other hand, Sri S.K. Singh, learned ACGSC appearing for the respondents has no specific instruction about pendency or disposal of the representation by the Respondent No.1

5. At the stage of admission, therefore, I direct Respondent No.1 to consider the representation dated 22.06.2015 if it is filed and pending at his level and dispose of the same in accordance with relevant rules and regulations and pass a reasoned and speaking order and communicate the decision to the applicant within 90 days from the receipt of the copy of this order. If the applicant is found entitled for conferment of such status the order should be so issued forthwith after the decision is communicated by the Respondents to the applicant.

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

7. On the prayer made by the learned counsel for the applicant copy of this order along with the paper book be sent to Respondent No.1 by Speed Post at the cost of the applicant for which Mr. S.K. Ojha undertakes to file the postal requisites by 07.12.2015.

Free copy of this order be made over to learned counsel for both the sides.


(R.C.MISRA)
MEMBER(A)