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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00542 OF 2016
Cuttack, this the 10th August, 2016

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

.....
Sri Surendra Jena, aged about 50 years, S/o. Late Sapani Jena, At: Kapila Prasad, PO: Sundarpada, PS: Airfiled, Bhubaneswar-2, Dist: Khurda. At Present working as Chowkidar, O/o. the Superintending Archaeological Chemist, Archaeological Survey of India, Toshali Apartments, Satya Nagar, Bhubaneswar-751007.

.....Applicant

By the Advocate(s)-M/s. K. Mohanty, S. Nayak

-Versus-

Union of India, represented through

1. Secretary, Ministry of Culture, Govt. of India, Shastri Bhawan, New Delhi-110001.
2. The Director General, Archaeological Survey of India, Janapath, New Delhi-110011.
3. Director (Science), Office of the Director(Science) 29-New Cant Road, Dehra Dune.
4. The superintending Archaeological Chemist, O/o. the Superintending Archaeological Chemist, Archaeological Survey of India, Toshali Apartments, Satya Nagar, Bhubaneswar, Dist-Khurda.

.....Respondents

By the Advocate(s)- Mr. B. Swain

O R D E R(Oral)

A.K.PATNAIK, MEMBER (J):

Heard Ms. K. Mohanty, Ld. Counsel appearing for the Applicant and Mr. B. Swain, Ld. ACGSC appearing for the Respondent, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. This OA has been filed under Section 19 of the AT Act, 1985 with the following prayers:

“(i) The Hon'ble Tribunal may graciously be pleased to Admit the Original Application and set aside the Office order Vide Annexure-3 and direct the respondent No. 4 to consider the duty period of the applicant from 13.07.2015 to 30th November, 2015 and release the salary of the petitioner for aforesaid period.”

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3. The fact of the case in nut shell is that the applicant is a Chowkidar in the Office of Superintending Archaeological Chemist, Archaeological Survey of India, Toshali Apartments, Satya Nagar, Bhubaneswar. He entered into service on 23.09.1998 on compassionate ground due to premature death of his father. Due to his illness he was on leave for a period from 01.02.2014 to 10.07.2015 by extending his leave application from time to time. After he completely fit, he reported for duty on 13.07.2015 and accordingly he was discharging his duty since then. But the Respondent No. 4 further had issued direction to the applicant to report for duty vide Office Order No. 30th October, 2015. The applicant files this Original Applicant for appropriate direction to the respondents No. 4 to allow his joining report since 13.07.2015 and release the salary for the Month of July, 2015 to November, 2015. Ventilating his grievance the applicant has made a representation dated 18.01.2016 (Annexure-/4) followed by a reminder dated 18.04.2016 (Annexure-4/A) to Respondent No.4 for release of salary for the period of July, 2015 to November, 2015. But till date no response has been received regarding disbursement of unpaid salary for the said period. Hence the applicant has moved this Tribunal in this present O.A. with the aforesaid prayers.

4. As the said representations are stated to have been made and are still pending consideration with Respondent No.4, we do not think it proper to admit this matter and invite counter. We therefore, dispose of this O.A with a direction to Respondent No.4 that if any such representation has been preferred by the applicant on 18.01.16 followed by a reminder dated 18.04.16 and are still pending before him for consideration then the same may be considered and disposed of 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 a copy of this order. Though we have not expressed any opinion

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on the merit of the matter, all the points raised in representations are kept open for the authorities to consider as per Rules. We hope and trust, that if, after such consideration it is found that the applicant is entitled to the relief claimed by him then the same should be extended to him within a further period of 03 (three) months from such consideration. However, it is made clear that if in the meantime, the said representation has already been disposed of then the result of the same be communicated to the applicant within a period of two weeks from the date of receipt of copy of this order.

5. With the aforesaid observation and direction, the O.A. is disposed of at the stage of admission itself. No costs.

6. On the prayer made by Ms. K. Mohanty, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent Nos.3 & 4 by Speed Post for which he undertakes to file the postal requisites by 12.08.2016.

(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)