

ORIGINAL APPLICATION NO. 755 OF 2012
CUTTACK, THIS THE 6TH DAY OF DECEMBER, 2012

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

Pitabash Pani,
aged about 39 years,
son of Bansidhar Pani,
At present working as a
Casual Worker awarded with 1/30th Status
at Khandagiri,
Archaeological Survey of India site
(Horticulture Division-IV),
Khandagiri Square,
Bhubaneswar,
Dist-Khurda,
Odisha.

.....Applicant
Advocate(s)..... Mr. B. Rout

VERSUS

Union of India represented through

1. The Secretary,
Ministry of Culture,
Govt. of India,
Sikandra Bhawan,
New Delhi-110001.
2. Director General,
Archaeological Survey of India,
Janpath,
New Delhi-110001
3. Chief Horticulturist,
Archaeological Survey of India,
Eastern Gate,
Tej Mahal,
Agra-282001,
Uttar Pradesh.
4. Dy. Superintending Horticulturist,
Archaeological Survey of India,
Division-IV,
Satysnagar,
Bhubaneswar-751007,
Dist-Khurda,
Odisha.

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5. Umakanta Samal,
 Aged about 42 years,
 S/o-Dayanidhi Samal,
 At present working as Garden attendant Kedargouri Temple,
 Archaeological Survey of India site (Horticulture Division),
 Ravi Talkies Square,
 Bhubaneswar, Odisha.

..... Respondents

Advocate(s).....Mr. L. Jena

ORDER(ORAL)

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

Heard Sri B. Rout, Ld. Counsel for the applicant and Sri L. Jena, Ld. ASC for the Union of India.

2. This Original application has been filed by the applicant with the following prayers:-

“(i)To pass appropriate orders directing the departmental respondents to consider the case of the applicant to grant temporary status to him and to extend all the service and consequential benefits to which he is entitled to with effect from the date of enjoyment of such benefit by his colleagues.

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

3. It is seen that a representation dated 02.07.2012 (Annexure-A/4) was submitted by the applicant to the Director General, Archaeological Survey of India, Janpath, New Delhi (Respondent No.2), with copy to the Dy. Superintending Horticulturist, Division IV, Bhubanewar, Orisha (Respondent No.4).

Sri Jena, Ld. ASC for the Union of India is not in a position to apprise this Tribunal about the status of the representation.

Sri Rout, Ld. Counsel for the applicant submitted that no reply has been received on the said representation till date.

4. Since the representation of the applicant at Annexure-A/4 is pending with Respondent Nos.2 & 4, as agreed to by the Ld. Counsel for the parties, without entering into the merit of the case, I direct Respondent Nos.2 and 4 to consider and dispose of the representation at Annexure-A/4, if not already disposed of, and communicate the result thereof in a well reasoned



order, to the applicant within a period of 45 days from the date of receipt of copy of this order.

5. With the above observation and direction, this O.A. stands disposed of at the admission stage itself.

6. Send copy of this order along with paper books to Respondent Nos.2 & 4 (at the cost of the applicant) for compliance and free copies of this order be made over to the Ld. Counsel for the parties.

7. Sri Rout, Ld. Counsel for the applicant undertakes to deposit the postal requisite by Wednesday i.e., on 12.12.2012.


(A.K. PATNAIK)
MEMBER(JUDL.)

K.B.