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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. NO. 653 of 2013
Cuttack the 19th day of September, 2013

CORAM

**HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)
HON'BLE MR. R. C. MISRA, MEMBER (ADMN.)**

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Shri Sridhar Behera, aged about 38 years, Son of Sanatan Swain At-Banapada, Po/Ps. Konark, Dist. Puri at present working as a Casual Chowkidar at Chemist Branch Sub Office Cum Store Konark, Archaeological Survey of India site, At/Po/Ps.Konark, Dist. Puri, Odisha.

...Applicant

(Advocates: M/s.B.P.B.Bahali, P.B.Mohapatra)

VERSUS

Union of India Represented through –

1. The Secretary, Ministry of Culture, Government of India, Shastri Bhawan, New Delhi-110 001.
2. Director General, Archaeological Survey of India, Janpath, New Delhi-110 011.
3. Superintending Archaeological Chemist, Archaeological Survey of India, Science Branch, Toshali Apartment, Satyanagar, Bhubaneswar-07, Dist. Khurda, Odisha.

.... Respondents

(Advocate: Mr.L.Jena)

ORDER

(Oral)

A.K. PATNAIK, MEMBER (JUDL.)

The Applicant stating to have been working as Chowkidar on casual basis at Chemist Branch Sub Office Cum Store Konark, Archaeological Survey of India site, At/Po/Ps.Konark, Dist. Puri, Odisha has filed this OA under section 19 of the Administrative Tribunals Act,

[Signature]

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1985 alleging non consideration of his representation which he has submitted on 29.4.2013 praying for payment of emoluments at the rate of 1/30th of the pay at the minimum of the relevant pay scale plus dearness allowance for work of eight hours a day in terms of the DOP&T order dated 7th June, 1988 as he has completed more than 240 days continuous service on daily wage basis and the benefits of the said circular have already been granted to similarly situated employees with prayer to direct the Respondents to grant 1/30th of the pay at the minimum of the relevant pay scale plus dearness allowance retrospectively.

2. Copy of this OA has been served on Mr.L.Jena, Learned Additional CGSC for the Union of India to appear for the Respondents. We have heard Mr.P.B.Mohapatra, Learned Counsel for the Applicant and Mr.L.Jena, Learned Additional CGSC appearing for the Respondents. Mr. Mohapatra submitted that due to inaction of the Respondents in the matter of payment of the actual wages in terms of the DOP&T instruction, though the benefits have been extended to other similarly situated employees, the applicant has been undergoing financial hardship and, therefore, he has prayed for issuance of direction to the Respondents to grant him the benefits of the DOP&T. Right now

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we do not have the factual aspects in so far as the fulfillments of the conditions mentioned in the DOP&T so as to entitle him to get the benefits of the circular. On being asked, Mr.Jena also expressed his inability to state the status of the representation right now in absence of instruction being obtained from the Respondent-Department.

3. In the above conspectus, we are of the view that the matter needs examination at the first instance in the hands of the authority concerned as to how far the applicant is entitled to the benefits of the DOP&T circular. As stated, the applicant addressed a representation to the Respondent No.2 who is the competent authority to redress his grievance but he has not received any reply thereon. In view of the above, without expressing any opinion on the merit of the matter, we dispose of this OA at this admission stage with direction to the Respondent No.2 to consider the grievance of the applicant as raised in representation dated 29.4.2013 and communicate the result thereof in a well-reasoned order to the applicant within a period of 60(sixty) days from the date of receipt of copy of this order. In the event it is found that the applicant is entitled to the benefit as claimed by him, then he should be paid the same within a period of sixty days from the date of the order. In case the representation dated 16.9.2013 has already been disposed of

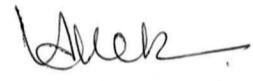


in the meantime the result shall be communicated to the applicant within a period of fifteen days from the date of receipt of copy of this order.

There shall be no order as to costs.

4. As prayed for by Mr.Mohapatra, Learned Counsel for the Applicants, copy of this order along with OA be sent to Respondent No.2 for compliance at the cost of the Applicant for which learned counsel for the Applicant undertakes to furnish the requisite postal requisite by 23.9.2013.


(R.C.MISRA)
Member (Admn.)


(A.K.PATNAIK)
Member (Judl.)