

4

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK**

**O. A. NO. 831 OF 2013**  
**Cuttack, this the 6<sup>th</sup> day of December, 2013**

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

Prafulla Kumar Gochhayat,  
aged about 30 years,  
Son of Laxmidhar Gochhayat,  
At-Nathapur, P.O-Sisupal,  
P.S-Lingaraj, Bhubaneswar,  
Dist-Khurda,  
At present working as a Casual worker at Lingaraj Temple,  
Archaeological Survey of India site,  
AT/PO/P.S-Lingaraj,  
Dist-Khurda, Odisha

.....Applicant

Advocate(s)....M/s. B. P. Bahali, P.B. Mohapatra

**VERSUS**

Union of India represented through

1. Secretary, Ministry of Culture,  
Government of India,  
Shastri Bhawan,  
New Delhi-110001.

2. Director General,  
Archaeological Survey of India,  
Janpath, New Delhi-110011.

3. Superintending Archaeologist,  
Archaeological Survey of India,  
Toshali Appartment,  
Satya Nagar, Bhubaneswar-7,  
Dist. Khurda, Odisha.

..... Respondents

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

*Walter*

ORDER (ORAL)

A.K. PATNAIK, MEMBER (JUDL.)

Heard Mr. P.B. Mohapatra, Learned Counsel for the Applicant and Mr. L. Jena, Learned Additional CGSC appearing for the Respondents and perused the records.

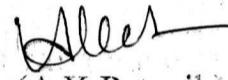
2. It is the grievance of the applicant that as per the rules/Govt. of India instructions he is entitled to 1/30<sup>th</sup> pay and allowance which has been granted to other similarly situated casual labourers working under the Respondents but he has been discriminated. In this connection it has been stated that the applicant has submitted representation on 29.4.2013 to Respondent No.2 praying for extension of the said benefits as had been granted to some similarly placed persons but till date neither he has been paid the 1/30<sup>th</sup> pay and allowance nor has he been communicated any reply.

3. Mr.Jena has no immediate instruction if any such representation has been filed and if so the status of the same, submitted by the applicant and it was told that Respondent No.2 is the competent authority before whom the representation is stated to be pending, to take decision on the grievance of the Applicant. Since as per Mr. Mohapatra the representation is still pending with the authority I do not find any justifiable reason to admit this OA at this stage. Hence, without expressing any opinion on the merit of the matter, this OA is disposed of at this admission stage with direction to the Respondent No.2 to take a decision on the said representation keeping in mind Rules/instruction on the subject and communicate the result thereof, in a well reasoned order to the applicant at the earliest opportunity preferably within a period of 60(sixty) days from the date of receipt of copy of this order. However, it is made clear that if in the meantime any decision has

*Order*

already been taken on such representation of the Applicant but the result has not been communicated the same may be communicated to the applicant forthwith. Further it is directed that on consideration of the representation if it is held that the applicant is entitled to 1/30<sup>th</sup> pay and allowance as has been extended to the others the same may be calculated and paid to the applicant from the date of his entitlement within a period of sixty days from the date of the order.

4. As prayed for by Mr. Mohapatra, Learned Counsel for the Applicant copy of this order be sent to Respondent No.2 by speed post at his cost for which he undertakes to furnish the postal requisite by 9<sup>th</sup> December, 2013.

  
(A.K. Patnaik)  
Member (Judicial)