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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

OA No.843 of 2013
Cuttack, this the 18th day of December, 2013

CORAM:
THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDICIAL)

.....

Shri Manoj Kumar Naik, aged about 24 years, S/o.Mohanlal Naik, At-Kalami, PO. Kandapala, PS-Ambabhona, Dist. Baragarh at present working as a Casual Worker at Khandagiri Archaeological Survey of India site, At/Po/PS-Khandagiri, Bhubaneswar, Dist. Khurda, Odisha.

.....Applicant

(Legal Practitioner – M/s.B.P.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 Archaeologist, Archaeological Survey of India, Toshali Apartment, Satyanagar, Bhubaneswar-7, Dist. Khurda, Odisha.

.....Respondents

(Legal practitioner – Mr.L.Jena)

O R D E R (Oral)

A.K.PATNAIK, MEMBER (JUDICIAL):

The Applicant has filed this Original Application praying for direction to the Respondents to grant him 1/30th status with all other benefits to which he is entitled to with effect from the date of such benefit was granted to other similarly situated persons viz; Ajaya Kumar Mandoi, Banamali Jena, Sukanta Behera, Nabina Rout, working on casual basis under

the Respondents. Copy of this OA has been served on Mr.L.Jena, Learned Additional CGSC for the Union of India who is present in court.

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

3. As per the Learned Counsel for the Applicant Mr. Mohapatra, in terms of DOP&T instruction the applicant is entitled to the scale of pay of 1/30th per month. The Respondents while granting the said benefits to other similarly situated persons working under the Respondents, on casual basis, such as Ajaya Kumar Mandoi, Banamali Jena, Sukanta Behera and Nabina Rout, the applicant was discriminated. The said benefits have not been granted to him, despite representation dated 29.04.2013 to the Respondent No.2 (The Director General, Archaeological Survey of India, Janpath, New Delhi-110 011). Mr.Mohapatra further submitted that the grievance of the applicant is still pending for consideration before the Respondent No.2. Mr.Jena has no immediate instruction as to whether any such representation has been filed on 29.4.2013 and the status thereof. In view of the above, I do not see any justifiable reason to deviate from the specific provision of the A.T. Act, 1985 and entertain 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 consider/dispose of the said representation dated 29.04.2013 (if it is filed and is still pending) and communicate the result thereof to the Applicant in a

well reasoned order within a period of sixty days from the date of receipt of copy of this order. If on consideration of the representation it is decided that the applicant is entitled to 1/30th benefits as granted to other similarly situated employees, as per the instruction of the DOP&T then the same be paid to the applicant within a period of 30 (thirty) days from the date of the said order. However, if, in the meantime, any decision has already been taken on the said representation but the result has not been communicated then the result of the same should 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.P.B.Mohapatra, Learned Counsel for the Applicant copy of this order be sent to Respondent No.2 by speed post at his cost for compliance for which he undertakes to furnish the postal requisite within two days hence.

(A.K.Patnaik)
Member (Judicial)