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CENTRAL ADMINISTRATIVE TRIBUNAL CUTTACK BENCH: CUTTACK

OA No.912 of 2013
Cuttack, this the 15th day of January, 2014

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

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Neehar Prasad Mallick, aged about 40 years, Son of Trilochan Mallick, At-Farm Gate, near Basic Science College, OUAT, Bhubaneswar-751 003, District-Khurda at present working as Casual Stenographer, Doordarshan Kendra, Bhubaneswar-751 005.

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Applicant
(Legal Practitioner – M/s.S.Mohanty, R.Choudhury, S.Mohanty, A.K.Dei, D.K.Mohanty(A))

Versus
Union of India represented through-

1. The Secretary, Ministry of Information & Broadcasting, Sashtri Bhawan, New Delhi.
2. The Director General, Doordarshan, Copernicus Marg, Mandi House, New Delhi-1.
3. The Chief Executive Officer, Prasar Bharati (Broadcasting Corporation of India), AIR & Doordarshan, Mandi House, Copernicus Marg, New Delhi-110001.
4. The Director General (N&CA), Prasar Bharati, Doordarshan News, Doordarshan Bhawan-II, Copernicus Marg, New Delhi.
5. The Director (RNUs), Doordarshan News, Tower “B”, Mandi House, Copernicus Marg, New Delhi-110 001.
6. The Deputy Director General (P), Doordarshan Kendra, PO-Sainik School, Bhubaneswar, Dist. Khurda.
7. Director (News), Regional News Unit, Doordashan Kendra, PO-Sainik School, Bhubaneswar, Dist. Khurda.

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Respondents
(Legal practitioner: Mr.S.Barik)



O R D E R (Oral)

A.K.PATNAIK, MEMBER (JUDICIAL):

Heard Ms.S.Mohanty, Learned Counsel for the Applicant and Mr.S.Barik, Learned Additional CGSC for the Union of India, on whom copy of this OA has been served. Mr.Barik accepts notice for the Respondents. Registry is directed to serve notice, in terms of sub rule 4 of Rule 11 of the CAT (Procedure) Rules, 1987 for onward transmission. Perused the materials placed on record.

2. Applicant's contention, in nut shell, is that he has been working as a Stenographer on Casual basis in RNU, DDK, Bhubaneswar with the prior approval of the DG (News), DDK, New Delhi since October, 2002. Though the approval for working in a month has been for 10 days in a month, in fact she has been working 20 days in a month. His grievance is that vide order dated 12.12.2012 issued by the DG (N&CA), New Delhi the ten days casual work in RNU was reduced to seven days in a month as also the rate of payment from Rs.330/- to Rs.850/- per day. Though revised tariff was increased payment was extended to other similarly situated casual workers, he has been deprived of the said benefits. It has been stated that by making representation dated 27.8.2013 to the Director General (N&CA), New Delhi (Respondent No.4) with copy to the Deputy Director General (P), DDK, BBSR and Director (News) RNU, Doordarshan Kendra, Bhubaneswar (Respondent Nos.6&7) he has prayed for payment of



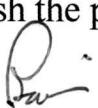
the remuneration at the revised rate as has been given to others. It has been stated that since no reply was received by him on the said representation, by making reminder dated 21.10.2013 she has reiterated her prayer. Thereafter, alleging inaction, she has approached this Tribunal in the instant OA seeking for a direction to the Respondents to pay her revised fee of Rs.389/- w.e.f. 25.08.2006 as per the Memorandum dated 25.08.2006 and Rs.850/- w.e.f. 12.12.2012 as per OM dated 12.12.2012 and release the arrears within a stipulated period. However, Mr.Barik submitted that he has no immediate instruction, if at all, any such representation was submitted by the applicant and if so the status thereof.

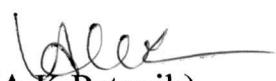
3. We do not find any justification on the part of the Respondents to sit over the representations of a casual employee especially when the grievance of the applicant is against non extension of the benefit of the OMs issued by the competent authority for payment in the revised rate. When a representation was submitted claiming certain benefit, the applicant has a right to know the result thereof that too at the earliest opportunity which is akin to the principles of natural justice. However, we do not like to express any opinion on this aspect, as according to the applicant, the representations submitted by her on 27.8.2013 and 21.10.2013 respectively are still pending with the Respondent No.4. In view of



the above, we do not intend to fetter the discretion of the authority by issuing any positive direction, at this stage. Hence, without entering into the merit of this matter, this OA is disposed of, at this admission stage, with direction to the Respondent No.4 to take a decision on the representations, referred to above, if it is really submitted by the applicant and is still pending with him 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. If the decision of the Respondent No.4 is in affirmative then Respondent Nos. 6&7 are directed to clear up the dues within another period of thirty days from the date of the order on representation. In case any decision has already been taken on the said representations, 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 Ms.Mohanty, Learned Counsel for the Applicant copy of this order be sent by speed post, at his cost, to the Respondent No.4 for compliance; for which Ms.Mohanty undertakes to furnish the postal requisite within two days hence.


(R.C.Misra)
Member (Admn.)


(A.K.Patnaik)
Member (Judicial)