

3

CENTRAL ADMINISTRATIVE TRIBUNAL CUTTACK BENCH: CUTTACK

OA No.932 of 2013
Cuttack, this the 3rd day of January, 2014

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

.....

Shri Banshidhar Mohanty, aged about 41 years, S/o. Narottam Mohanty, At/Po/Ps-Bolagarh, Dist. Khurda at present working as a Casual worker awarded with 1/30th Status at Khandagiri site, Archaeological Survey of India, Dist. Khurda, Odisha.

.....Applicant
(Legal Practitioner – Mr.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
A.K.PATNAIK, MEMBER (JUDICIAL):

The Applicant has filed this Original Application praying for direction to the Respondents to grant him temporary status and other consequential benefits with effect from the date the said benefits were allowed to his counterpart employees working under Respondents on the

Alez

grounds that they have been continuing under the Respondents on casual basis with 1/30th pay since long and though his case is covered by the instruction formulated by the Government of India for conferment of temporary status, the Respondents ignored his case while granting temporary status to his counterpart employees namely S/Shri Muralidhar Behera, Purna Chandra Sethi, Pratap Kumar Sahoo and Narayan Chandra Barik. Further case of the applicant is that by making representation dated 29.04.2013 to the Respondent No.2 he has prayed for removal of the discrimination/injustice caused to him in the matter of granting temporary status but till date he has neither been conferred with temporary status nor has he received any reply thereon.

2. Copy of this OA has been served on Mr. L.Jena, Learned Additional CGSC for the Union of India who accepts the 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 on him for onward transmission.

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

4. Mr. Jena has no immediate instruction if any such representation dated 29.4.2013 has been preferred by the Applicant to Respondent No.2 and if it is so the status thereof. In view of the above and keeping in mind the provision of the A.T.Act, 1985, without entering into



the merit of this matter, at this stage, this OA is disposed of 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 30(thirty) 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 conferment of temporary status and other consequential benefits as per rules and extant instruction, the same be paid to him within another period of 30 (thirty) days from the date of the order on his representation. 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.

5. 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.



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



(A.K.Patnaik)
Member (Judicial)