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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 260/00852 OF 2014
Cuttack, this the 1st day of December, 2014

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

.....
Bijay Barik,
aged about 27 years,
S/o- Kailash Barik,
At- Matha Sahi, P.O.-Basudevpur,
P.S. Chandanpur, Dist. Puri,
Presently working as Casual Chowkidar
At Sri Jagannath Temple Chemist Branch Sub-Office Store,
Archaeological Survey of India Site,
At/PO/PS/Dist- Puri, Odisha.

.....Applicant

Advocate(s)-Mr. P.B.Mohapatra

VERSUS

Union of India, represented through

1. Secretary,
Ministry of Culture, Govt. of India,
Shastri Bhawan, New Delhi-110001.
2. Director General,
Archaeological Survey of India,
Janpath, New Delhi-110011.
3. Superintending Archaeological Chemist,
Archaeological Survey of India,
Toshali Apartment, Satyanagar,
Bhubaneswar-7, Dist-Khurda, Odisha.

..... Respondents

Advocate(s)....Mr. G. Singh

Abel

O R D E R (ORAL)

A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. P.B.Mohapatra, Learned Counsel for the Applicant, and Mr. G. Singh, Ld. Addl. Central Government Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. Applicant, who is working as Casual Chowkidar at Sri Jagannath Temple Chemist Branch Sub-Office Store, Puri, has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985, has prayed for the following reliefs:

“i) to pass appropriate orders directing the departmental respondents to consider the case of the applicant to grant 1/30th status to him with all other benefits to which he is entitled to with effect from the date of enjoyment of such benefit by his colleagues.

ii) to pass such other order.....”

3. Mr. Mohapatra, Ld. Counsel for the applicant, submitted that as the similarly situated employees, to that of the applicant, have already been granted the said benefits, applicant preferred representation on 04.07.2014 vide Annexure-A/2 before Respondent No. 2 ventilating his grievance but till date no response has been communicated to him.

4. Mr.S.B.Jena, Ld. ACGSC, submits that he has no immediate instruction if any such appeal has been filed by the applicant and, if so, the status thereof.

5. We find that Section 20 of the Administrative Tribunals Act, 1985 provides as under:

“20. Application not to be admitted unless other remedies exhausted -

(1) A Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of



all the remedies available to him under the relevant service rules as to redressal of grievances.

(2) For the purposes of sub-section (1), a person shall be deemed to have availed of all the remedies available to him under the relevant service rules as to redressal of grievances, -

(a) if a final order has been made by the Government or other authority or officer or other person competent to pass such order under such rules, rejecting any appeal preferred or representation made by such person in connection with the grievance; or

(b) where no final order has been made by the Government or other authority or officer or other person competent to pass such order with regard to the appeal preferred or representation made by such person, if a period of six months from the date on which such appeal was preferred or representation was made has expired.

(3) For the purposes of sub-sections (1) and (2), any remedy available to an applicant by way of submission of a memorial to the President or to the Governor of a State or to any other functionary shall not be deemed to be one of the remedies which are available unless the applicant had elected to submit such memorial."

6. Though, in our view, this O.A. is premature to be entertained at this stage, but in view of the submission advanced by Mr. Mohapatra that similar benefit has already been extended to other similarly situated employees and no reply has been received by the applicant on his representation, without entering into the merit of this matter, we deem it proper to direct Respondent No.2 to consider the representation dated 04.07.2014 of the applicant, if the same is still pending, and communicate the decision thereof, in a well-reasoned order to the applicant within a period of 60 (sixty) days from the date of receipt of a copy of this order. We make it clear that, if in the meantime the said representation has



already been disposed of then the result thereof be communicated to the applicant within a period of two weeks from the date of receipt of copy of this order.

7. With the aforesaid observation and direction, this O.A. stands disposed of at the stage of admission itself.

8. As prayed for by Mr. Mohapatra, Ld. Counsel for the applicant, copy of this order, along with the paper book, be transmitted to Respondent No. 2 by Speed Post at the cost of the applicant, for which he undertakes to furnish the postal requisites by 04.12.2014.


(R.C.MISRA)
MEMBER(Admn.)


(A.K.PATNAIK)
MEMBER(Judl.)

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