

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 522 OF 2009

Monday, this the 24th day of August, 2009.

CORAM:

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER

K.J.Lucka
Senior Conservation Assistant
Archaeological Survey of India
Kannur Sub Circle
Thrissur Circle ... **Applicant**

(By Advocate Mr. Joseph George)

versus

1. Union of India represented by the Secretary
Ministry of Culture
Sastri Bhavan, New Delhi – 110 011
2. The Joint Secretary
Ministry of Culture
Chairman, Departmental Anomaly Committee
Sastri Bhavan, New Delhi – 110 011
3. The Director General
Archaeological Survey of India
Office of Archaeological Survey of India
New Delhi – 11
4. The Superintending Archaeologist
Archaeological Survey of India
Thrissur Circle, Puratatwa Bhavan
KSHB Flats, Pullazhi, Thrissur ... **Respondents**

(By Advocate Mr.TPM Ibrahim Khan, SCGSC)

The application having been heard on 24.08.2009, the Tribunal
on the same day delivered the following:

ORDER

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

The applicant in this case had prayed for the following :-

- (i) To declare the respondents to consider and dispose of Annexure A-1 representation, with notice to,

and after hearing the applicant and other Conservation Assistant under the 3rd respondent, in the light of the pay scale fixed for other equivalent Engineering cadre similar to Junior Engineer in CPWD and others as expeditiously as possible, after consulting the Anomaly Committee, if deemed necessary for the same and to pass further consequential orders granting pay revision to the applicant and other Conservation Assistants under the 3rd respondent.

(ii) To declare that the Conservation Assistant in the Archaeological Survey of India are entitled to an equivalent treatment with all the equivalent Engineering cadre under the Central Government similar to Junior Engineer, CPWD and to grant of similar benefits by way of pay revision etc.

2. Notice was issued to the respondents on 03.08.2009 to file reply within three weeks. It is also indicated in the said order that it is open to the respondents to dispose of the representation pending with them, if they so desire. When the case was taken up today, counsel for respondents submitted that time may be granted to file reply.
3. Counsel for applicant submitted that the relief sought is to the extent of direction to the respondents to consider and dispose of Annexure A-1 representation with notice to, and after hearing the applicants and other Conservation Assistant under the 3rd respondent. Normally representations were expected to be considered and disposed of and as such there cannot be no serious objection against the OA field by the applicant.
4. In view of the fact that the applicant has sought for a direction to dispose of the representation, we direct the respondents to dispose of the representation at Annexure A-1 within a period of three months from the date of communication of this order. We make it clear that in case the

applicant is aggrieved by the decision and he again approaches the Tribunal, the relief sought at that time will be subject to limitation and the mere decision of the respondents may not be taken as to condone the delay. We have expressed no opinion on merit.

5. With the above observation, OA is disposed of.

Dated, the 24th August, 2009.



K GEORGE JOSEPH
ADMINISTRATIVE MEMBER



Dr.K.B.S.RAJAN
JUDICIAL MEMBER

VS