

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 199/2002

Monday, this the 9th day of September, 2002.

CORAM :

HON'BLE SHRI A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE SHRI T.N.T. NAYAR, ADMINISTRATIVE MEMBER

T. Hanumanthappa Telugu,
S/o Gangappa,
Asstt. Superintending
Archaeologist for Museums,
Mattanchery Palace Museum,
Jew Town, Kochi-2.

... Applicant

(By Advocate Mr. P.N. Santhosh)

Vs

1. Union of India rep. by the
Secretary to the Government of India,
Ministry of Human Resources & Development,
New Delhi.
2. The Director General,
Archeological Survey of India,
Janpath, New Delhi-11.
3. The Chairman,
Fast Track Committee,
Ministry of Finance,
Government of India,
South Block, New Delhi.
4. The Secretary,
Ministry of Finance,
Government of India,
South Block, New Delhi.

... Respondents

(By Mr. C. Rajendran, SCGSC)

The application having been heard on 9.9.2002, the
Tribunal on the same day delivered the following :

ORDER

HON'BLE SHRI A.V. HARIDASAN, VICE CHAIRMAN

The counsel on either side agree that this OA can be
disposed of today. Hence the OA is taken up for disposal.

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2. The applicant, an Assistant Superintending Archaeologist, Mattanchery Palace Museum, Kochi, has filed this application seeking the following reliefs :-

(i) Declare that non-feasance on the part of the Government to restructure the Group B cadre including that of the applicant's, in spite of the specific recommendations of the Vth Pay Commission is arbitrary, discretionary and hence violative of Article 14 and 16 of the Constitution of India.


(ii) Declare that the grant of scale of pay of Rs.6500-10500 to the Assistant Superintending Archaeologists in Group B(Gazetted) technical cadre is arbitrary, discretionary and hence violative of Article 14 and 16 of the Constitution of India.

(iii) Direct the respondents to consider the grant of scale of pay of Rs.7500-12500 or Rs.8000-13500 to the Assistant Superintending Archaeologists of the Archaeological Survey of India and direct further to grant the consequential arrears there of with effect from 1.1.1996.

(iv) Direct the respondents to consider the grievances raised by the applicant through his representation and pass appropriate orders in accordance with law, within a time frame.

(v) Grant such other reliefs as this Hon'ble Tribunal deems fit and proper in the nature and circumstances of the case including the cost of this proceeding;

3. Claiming the reliefs the applicant has made A2 representation dated 25.11.1997 and the same has not been disposed of by the respondents. Now the respondents have not filed any reply statement in the OA. The counsel on either side agree that the OA can be now disposed of directing the 3rd respondent to consider the A2 representation of the applicant dated 25.11.1997 in the light of the rules and instructions on the subject and to give an appropriate reply to the applicant within a reasonable time.

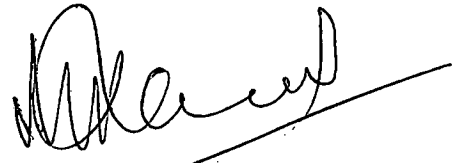


4. In the light of the above submission made by the counsel on either side, we dispose of this application directing the 3rd respondent to consider the A2 representation dated 25.11.1997 of the applicant in the light of the rules and instructions on the subject and to give an appropriate reply to the applicant within a period of three months from the date of receipt of a copy of this order. No costs.

Dated the 9th September, 2002.



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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A P P E N D I X

Applicant's Annexures:

1. A-1: True copy of the relevant pages of the Government of India Gazette (Extraordinary) Notification dated 30.9.97.
2. A-2: True copy of the 1st representation dated 25.11.97 submitted by the applicant before the respondents.
3. A-3: True copy of the forwarding letter dated 6.12.97, issued from the office of the Superintendent Archeologist (Museums), Chennai.
4. A-4: True copy of the letter dated 8.3.2001 issued from the office of the Superintending Archeologist, Thrissur.

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23.9.02