

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No. 3313/2018
M.A. No. 3712/2018

The 5th day of September, 2018

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MR. A.K. BISHNOI, MEMBER (A)**

Rajbir, Aged about 50 years,
S/o Late Shri Attar Singh,
Working as Casual Labour in the office of
Dy. Superintending Archaeological Chemist,
Archaeological Survey of India,
Red Fort Complex, Delhi-06
R/o H.No.33, Vill.: Gothra,
Teh.+P.O. Khegra, Baghpat,
U.P.-250101. .. Applicant

(By Advocate: Shri A.K. Bhakt)

Versus

Union of India & Ors. : Through

1. The Secretary,
Ministry of Culture,
Shashtri Bhawan,
New Delhi.
2. Director General,
Archaeological Survey of India,
24, Tilak Marg, New Delhi. .. Respondents

(By Advocate : Shri Y.P. Singh)

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

Heard Shri A.K. Bhakt, learned counsel for the applicant and Shri Y.P. Singh, learned counsel appeared on behalf of the respondents, on receipt of advance notice.

2. MA 3712/2018 filed for seeking exemption is allowed.
3. The applicant filed the O.A. seeking the following relief(s):

- “(i) To declare the action of the respondents by which the respondents are discontinuing/disengaging the services of the applicant and engaging the freshers (fresh new casual labourers)/juniors/outsourced employees for the work the applicant have been doing for all these years is illegal, unjust, arbitrary, malafide, unconstitutional particularly article 14, 16 and 21 of the Constitution of India and against principle of natural justice.
- (ii) To direct the respondents to continue the service of the applicant in preference to his juniors, freshers or outsourced employees through Contractor.
- (iii) To direct the respondents to pay the arrears of the applicants at the rate of 1/30th of Minimum Pay Scale of Relevant CPC + DA and further extend the benefits of pay in the light of Order dated 26.10.2016 in Civil Appeal No.213/2013 other group cases passed by Hon'ble Supreme Court of India and further make payment accordingly.
- (iv) To award exemplary cost on the respondent for causing undue harassment.
- (v) To pass any other order or orders which this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case”.

4. It is submitted that the applicant made number of representations, including Annexure A/1 dated 12.06.2018, ventilating his grievances to the respondents. However, no orders have been passed thereon till date.

5. In the circumstances, the O.A. is disposed of at the admission stage itself, without going into the merits of the case, by directing the respondents to consider Annexure A/1 representation dated

12.06.2018 of the applicant and to pass appropriate reasoned and speaking orders thereon, in accordance with law, within 90 days from the date of receipt of a certified copy of this order. In the meanwhile, the respondents are directed to continue the applicant in service in the same capacity, if there is work, in preference to his juniors/freshers/outsourced employees. No order as to costs.

Let a copy of the O.A. be enclosed to this order.

(A.K. BISHNOI)
Member (A)

(V. AJAY KUMAR)
Member (J)

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