

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A. No. 260008622016

Cuttack this the 2nd Day of January, 2017

CORAM
HON'BLE SHRI R.C. MISRA, MEMBER(A)

1. Sri Arjuna Behera, aged about 28 years, Son of Krushna Chandra Behera, At- Rampur, P.O. Laxmiprasad, Dist- Boudh, At present working as a Casual worker at Nilamadhaba Sidheswar Temple, Archaeological Survey of India Site, At/P.O. Gandhradi, Dist-Boudh, Odisha.
2. Sri Susanta Kumar Sethi, aged about 28 years, Son of Late Jogendra Sethi, At/P.O. Laxmiprasad, Dist- Boudh, At present working as a casual worker at Nilamadhaba Sidheswar Temple, Archaeological Survey of India Site, At/P.O. Gandhradi, Dist- Boudh, Odisha.

..... Applicants.

By the Advocate(s)-M/s. B. Rout, P. Behera, M.R. Dash.

-VERSUS-

Union of India, Represented through

1. The Secretary, Ministry of Culture, Shastri Bhawan, New Delhi-110001.
2. Director General, Archaeological Survey of India, Janpath, New Delhi-11011.
3. Superintending Archaeologist, Archaeological Survey of India, Bhubaneswar Circle, Toshali Apartment, Block No.VI, Satya Nagar, Bhubaneswar-07, Dist. Khurda, Odisha.

..... Respondents

By the Advocate(s)- Mr. A.C. Deo.

O R D E R(Oral)

R.C. MISRA, MEMBER (A):

Heard Sri B. Rout, Ld. Counsel appearing for the Applicant and Sri A.C. Deo, Ld. ACGSC appearing for the Respondents, on whom a copy of this O.A. has already been served and perused the materials placed on record.

2. By filing M.A. No.758/16 Sri Rout has prayed for permission to jointly prosecute this O.A. The prayer is allowed. Accordingly, M.A. No.758/16 is disposed of.

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3. It is the submission of the Ld. Counsel for the Applicant that the applicants were engaged as casual labourers under the office of the Superintending Archaeologist, Archaeological Survey of India, Bhubaneswar Circle (Respondent No.3) since 2006 on daily wage basis. Since then they have rendered uninterrupted service to the organization and have also served on daily wage basis for more than 240 days in a calendar year. According to the circular formulated by the Ministry of

Personnel, Public Grievances and Pensions Department of Personnel and Training, Government of India (DOP&T) on 7th June 1988, where the nature of work entrusted to the casual workers and regular employees are same, the casual worker like the applicants may be paid at the rate of 1/30th of the pay at the minimum of the relevant pay scale of Group 'D' with Dearness allowance and grade pay for work of 08 hours per day. Even though the applicants are fulfilling all the required criterion as laid down in the aforesaid circular, but so far the benefit of 1/30th status has not been conferred on them.

4. On being asked as to whether the applicants have availed of the departmental remedies by ventilating their grievance before the appropriate authorities, Ld. Counsel pointed out that both the applicants have made representations to the Respondent No.2 i.e., Director General, Archaeological Survey of India, Janpath, New Delhi on 04.07.2016 copies of which are annexed at Annexure-A/2 series to the Original Application.

5. It appears that the matter is pending for consideration and decision in the office of Director General, Archaeological Survey of India, Janpath, New Delhi (Respondent No.2). Therefore, at this stage, without going into the

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Merit of the matter, I dispose of this O.A. with a direction to Respondent No.2 to consider and dispose of the pending representations dated 04.07.2016 (Annexure-A/2) series expeditiously after taking into account all the points raised by the applicants therein, if the same have been received and pending at his level, with a reasoned and speaking order to be communicated to the applicant within 60 (Sixty days) from the date of receipt of this order in the light of the DOP&T Circular as quoted above.

6. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

7. On the prayer made by Sri B. Rout, Ld. Counsel appearing for the Applicant, copy of this order, along with paper book, be sent to Respondent Nos.2 & 3 by Speed Post at the cost of the applicant for which Mr. Rout undertakes to file the postal requisites by 05.01.2017.

**(R.C.MISRA)
MEMBER(A)**

K.B.