

RA.No.170/69/2018/CAT/BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

REVIEW APPLICATION NO.170/00069/2018  
IN  
OA.NO.170/00471/2017

DATED THIS THE 25<sup>TH</sup> DAY OF JUNE, 2019

**HON'BLE DR.K.B.SURESH, MEMBER (J)**

**HON'BLE SHRI C.V. SANKAR, MEMBER (A)**

1. The Union of India,  
Through the Secretary,  
Ministry of Tourism & Culture,  
'C' Wing, Dr. Rajendra Prasad Road,  
Shastri Bhavan,  
New Delhi – 110 001.

2. The Director-in-charge,  
Anthropological Survey of India  
Indian Museum Complex,

27, Jawahar Lal Nehru Road,  
Kolkotta – 700 016.

3. The Head Office,  
Anthropological Survey of India,  
Bogadi 2<sup>nd</sup> Stage,  
Mysore – 570 026

...Applicants

(By Shri .K. Gajendra Vasu, Counsel for the respondents)

Vs.

B.V. Shiva  
S/o Shri Varadaiah,  
Aged about 49 years,  
Working as Gardner/Mali,  
Anthropological Survey of India  
Mysore - 570026

...Respondent

(By Advocate Shri K. Sreeram)

### O R D E R (ORAL)

(HON'BLE DR. K.B. SURESH, MEMBER (J))

Apparently, when we took up the matter, learned counsel for the original applicant took us through Annexure A-1, in the original OA, which we quote:

ANTHROPOLOGICAL SURVEY OF INDIA

MYSORE

Information about the engagement of Mali

Sl No	Mode of engage-ment, whether through Govt. Media. If not justification thereof	Date of engage-ment	Purpose of Engage-ment	Whether The Engage-ment is full time or part time	Whether the Payment for Wages is paid as per locally approved rate or C.G rate	Justification for making the payment of wages as per locally approved rate or C.G rate	Whether the job is given conti-nuously or breakup-wise. If it is conti-nous, the reasons thereof
1	2	3	4	5	6	7	8
1.	Shri B.V Shiva, Mali, Direct appointment in order to maintain the garden in a befitting manner and to avoid lenthly procedure of employment exchange we had engaged the Mali on a direct basis.	17.6.1988	To maintain the gardens of both the office building	Full time	Locally approved rates	Head quarters office instructed to make the payment as per the locally approved rate vide letter No. 2-101/88/Estt dated 26.8.88	From the maintenanc e point of view of the Garden he was given continuous appointmen t, please see annexure I for his details of service

2. Therefore, the applicant was appointed to full time post regularly and served more than 30 years now. Therefore, he is squarely eligible for the

benefits under Umadevi's Judgment. After having extracted work for 32 years, now at this point of time the respondents are estopped from claiming anything otherwise.

3. RA therefore, is without any merit. Dismissed. No costs.

(C.V. SANKAR)

MEMBER (A)

(DR.K.B.SURESH)

MEMBER (J)

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**Annexures referred to by the applicant in RA No. 170/00069/2018**

Annexure RA1 :Copy of the order dated 30.5.2018 in OA.471/2017.

Annexure RA2 :Copy of the order dated 24.11.2005 in OA.132/2005.

Annexure RA3 :Copy of the Order dated 16.11.2006 in OA.141/2006.

Annexure RA4 :Copy of the order dated 17.11.2011 in WP.No.1420/2006(S-CAT).

Annexure RA5 :Copy of Reply Statement.

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