

Central Administrative Tribunal, Principal Bench

O.A. No. 2044/2001

New Delhi this the 23rd day of October, 2002

Hon'ble Mr. Kuldip Singh, Member (J)

IN THE MATTER OF:

1. Jitender Kumar,
S/o Shri Ranjit Singh
R/o 263, Bhatwada,
Near Bagwali Gali,
Meerut.
2. Prem Prakash,
S/o Shri Mahavir Singh
R/o Village & P.O. Fafunda
District Meerut (U.P.)
3. Sohan Lal
S/o Shri Rattan Lal
R/o H.No. 327, Nangla Battu,
Near Kothi of Sitaram,
District Meerut (U.P.)
4. Vipin Kumar Verma
S/o Shri Ramesh Chand
R/o H.No. 371-B, Sanjay Nagar,
Meerut.
5. Dharmender Kumar
S/o Shri Shankar Lal
R/o H.No. 121/1, Pragati Nagar,
Nangla Battu,
Behind L.I.C.
Meerut (U.P.)
6. Mohan Lal
S/o Shri Basant Lal
R/o Marwari Mohalla
Kaseru Kheda,
Meerut Cantt.
7. Melar
S/o late Sh. Deep Chand
R/o Village Dahar
Post Sardhana
District Meerut (U.P.)
8. Satpal
S/o Shri Tularam
R/o 27, Darya Ganj,
Pidiwada, Valmiki Mandir,
Meerut.

Contd. . . 2/-

9. Umesh Kumar
 S/o Shri Sumer Singh
 R/o 27, Darya Ganj,
 Bediwada, Near Valmiki Mandir,
 Meerut.

10. Rajender Kumar
 S/o Shri Shambhu Nath,
 R/o H.No. 170, Dal Mandi,
 Sadar, Meerut (U.P.)

11. Ashok Kumar
 S/o Shri Maribhan
 R/o H.No. 73, Nandpuri,
 Kankar Khera, Meerut Cantt.
 Meerut (U.P.)

12. Rajesh Kumar
 S/o Shri Shivcharan Singh
 R/o H.No. 662/8, Jagriti Vihar,
 Opposite Medical, Meerut.

13. Shri Shiv Kumar
 S/o Shri Bhanwar Singh
 R/o H.No. 55, New Bhagwat Pura,
 Near Odeon, Meerut.

14. Rajender Kumar-II
 S/o late Shri Ram Avtar.
 R/o H.No. 2, Income Tax Bhawan Compound,
 Bhainsali Ground, Meerut Cantt.

15. Shri Mansa Ram,
 S/o Shri Natthu Singh
 R/o Village & P.O. Bagholi
 District Meerut.

16. Vinod Kumar
 S/o Shri Koti Ram,
 R/o Village Manohar Pur,
 Near I.T.I., Delhi Road,
 Saharanpur.

17. Raju
 S/o Shri Chanda
 R/o Mohalla Podiwada
 Sarai Behlin,
 Meerut.

18. Mohan Lal
 S/o Shri Sukh Lal
 R/o Balmiki Nagar,
 Opposite Ramleela Ground,
 Delhi Road, Meerut.

3.

19. Govind Singh
S/o Shri Heera Singh
R/o H.No. 236, Kalian Garhi
Near sector-8, Gol Market,
Jagriti Vihar, Meerut.

20. Man Mohan Kumar
S/o Shri Ram Avtar (late)
R/o 102, Madhav Nagar,
Hapur Road, Meerut.

21. Sujit Kumar
S/o Shri Naresh Chand
R/o Income Tax Colony,
Income Tax Bhawan,
Mujaffar Nagar.

22. Surender Kumar
S/o Shri Govind Kumar
R/o H.No. 515, New Mandi
Kambal Wala Bag,
Muzaffar Nagar.

23. Shiv Shankar
S/o Sh. Ram Adhar
Aykar Bhawan
Meerut.

.....APPLICANTS.

By Advocate: Shri S.K. Gupta.
VERSUS

1. Union of India,
Through Secretary,
Ministry of Finance,
North Block, New Delhi.

2. Chief Commissioner,
Income Tax
Income Tax Office,
Meerut.

3. Commissioner of Income Tax,
Income Tax Office,
Muzaffar Nagar.

4. Dy. Commissioner of Income Tax,
Office of Dy. Commissioner of Income Tax (Admn.)
Saharanpur.

.....RESPONDENTS

By Advocate: Shri V.P. Uppal.



.4.

ORDERBy Hon'ble Mr.Kuldeep Singh,Member(Jud1)

This OA has been filed by the applicants seeking a direction to the respondents to grant temporary status upon them from the day they have completed 206 days of service with all consequential benefits but they have been granted temporary status w.e.f. 13.10.1999/31.10.12001.

2. The applicants have stated that similar controversy became the subject matter in the case of Devender Kumar Vs. U.O.I. (2387/1999) and also in the case of Vasudev Prasad Vs. Union of India (OA 1189/99) wherein it was held that the temporary status be granted from the date when an individual completes 206 days. In the case of Vasudev (Supra) it has been held that the significant date, 13.10.1999 is not in terms of the DOP&T Scheme dated 10.9.93.

3. The facts, as alleged by the applicants in brief are that they are basically working in the office of respondents at Meerut, except the applicant No.16 at Saharanpur and the applicant No.21 and 22 at Muzaffar Nagar and are working in the office of the respondents w.e.f. the different dates right form September, 1990. All the details about the applicants can be seen at Annexure A-2.

4. It is also submitted that they should have been granted temporary status in accordance with the Scheme of the DOP&T dated 10.9.93 when the said scheme

was promulgated. So the applicants pray that they should have been assigned temporary status the day they had completed 206 days.

5. The next point taken by the applicant is that vide the impugned letter dated 30.12.99 the office of the respondents changed the date of granting temporary status by issuing the Corrigendum and the date of grant of temporary status has been fixed as 13.10.99 arbitrarily.

6. It is further submitted by the applicant that in another OA 1189/99 this very Tribunal had allowed the OA by directing the respondents to confer temporary status in accordance with the DOP&T Circular dated 10.9.93 and directed the respondents to confer temporary status w.e.f. the date when he had completed 206 days so applicants have prayed for the following relief:-

To declare the action of the respondents in fixing the date as 13.10.1999 and 31.01.2001 for the granted of temporary status as illegal and arbitrary and direct the respondents to confer the temporary status upon the applicants when each of them completes 206 days in an year initially and the respondents may be directed to grant consequential benefits in terms of DOP&T Scheme dated 10.9.93 with interest at the rate of 12% per annum.

7. In the grounds to challenge the impugned orders the applicants have taken a plea that fixing the date as 13.10.99 by the Corrigendum dated 30.12.99 for the grant of temporary status in terms of the GOI Scheme dated 10.9.93 has been held as contrary to the spirit of the Scheme dated 10.9.93 by this Tribunal vide its judgment dated 4.12.2000 (OA 2387/99) and in the case of Vasudev (OA No.189/99) who is one of the persons among 23



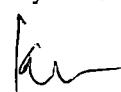
in the order dated 29.12.99 and hence there is no reason why the benefit of the same should not be extended to the present applicants.

8. Hence the applicants have prayed that the OA be allowed.

9. The OA is being contested by the respondents. The respondents pleaded that as per the Scheme dated 10.9.93 it has been specifically illustrated that the Scheme is applicable to only those casual workers who were working as on 1.9.93 and had completed one year of continuous service. Thus it is submitted that 1.9.93 is a deadline that has to be strictly adhered to if at all, then the applicability of this Scheme is to be quoted in full and it should be applied if all the ingredients are complete.

10. They have further pleaded that temporary status should be granted to those persons who have been sponsored by the employment exchange. As none of the applicants was engaged through the employment exchange, so they are not eligible for grant of temporary status under the said Scheme and the grant of temporary status to the applicants is itself a concession.

11. It was further pointed out also that the Chief Commissioner of Income Tax, Kanpur desires that temporary status may be granted to all casual workers who were presently employed and has been engaged continuously for five years as on 1.1.2001 and had also completed 206 days of service. Keeping in view these instructions, an order dated 27.4.2001 was passed by the Commissioner of Income



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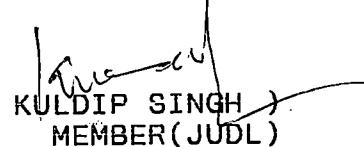
Tax, Meerut whereby temporary status was granted to all such casual labourers w.e.f. 31.1.2001 so the respondents pleaded that the OA be dismissed.

12. Applicants have also filed rejoinder and nothing new has been raised therein.

13. I have heard the learned counsel for the parties and gone through the records of the case.

14. The learned counsel for the applicants has put heavy reliance on the judgments given in OA 2387/99 as well as in OA 1189/99 which was allowed by the Tribunal in view of the judgment of the Delhi High Court dated 10.10.2000 in CWP No. 6014/98. The High Court did not interfere with the order of the Tribunal so the order of the Tribunal dated 14.5.98 has attained finality, so OA 2387/99 was allowed. Accordingly, the learned counsel for the applicants submitted that they should also be extended the benefit of the judgment given in OA 2387/99.

15. After going through the judgments relied upon by the applicants, I think that the case of the applicants is fully covered by the judgments relied upon by them so the OA has to be allowed. Accordingly the OA is allowed and the respondents are directed to give temporary status to the applicants w.e.f. the date they had completed 206 days in accordance with the scheme of the DOP&T dated 10.9.93. These directions may be implemented within a period of 3 months from the date of receipt of a copy of this order. No costs.


(KULDIP SINGH)
MEMBER(JUDL)

RA 63/2003
MA 471/2003
In RA- 2046/2003

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RA / MA dismissed by circulation
by Haribol Ram Kundup Singh, M (S).
Judgement attached.

Bo.

Buyer

28/2/2003

Co.

CV