

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

NEW DELHI THIS THE 14TH DAY OF JANUARY, 1996

HON'BLE SHRI JUSTICE B.C.SAKSENA, ACTING CHAIRMAN

1. OA No.1544/96

Bhagwan Sahay  
S/o Shri Ram Sahay  
C/o C.I.T.-6  
Commissioner of Income Tax  
Mayur Bhavan, Connaught Place  
New Delhi.

....  
Versus

Applicant

1. Union of India through  
Secretary  
Ministry of Finance  
(Department of Finance)  
Central Board of Direct Taxes  
New Delhi.

...

Respondents

2. OA No.217/96

1. Mukesh Chand  
S/o Ram Raj Sharma  
2. Anil Kumar  
3. Rishi  
S/o Jaiprakash Bairagi  
4. Banahi  
S/o Nand Kishore  
5. Sunil Datt  
6. Ram Kishore Mishra  
S/o Pashupati Mishra  
7. Brij Mohan  
S/o Ram Milan Mishra  
C/o C.I.T-6  
Commissioner of Income Tax  
Mayur Bhavan, Connaught Place  
New Delhi.

...

Applicants

vs.

1. Union of India through  
Secretary  
Ministry of Finance  
(Department of Revenue)  
Central Board of Direct Taxes  
New Delhi.

...

Respondents

For the applicants in both the  
OAs

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None

For the respondents

... Sh.V.P.Uppal, counsel

ORDER(ORAL)

SHRI JUSTICE B.C.SAKSENA:

None appeared on behalf of the applicants even on second call. I have heard Shri U.P.Uppal, counsel for the respondents.

2. As both the OAs raise identical issues, they are being disposed of by this common order.

3. The applicants were appointed as casual labours. Through these OAs, the applicants have sought the following amongst other reliefs:

- (1) A direction be issued to the respondents to reinstate the applicants and consider them for regular absorption in accordance with Articles 14 and 16 of the Constitution and in accordance with the scheme filed as Annexure -1.
- (2) To continue the services of the applicants till their regular absorption
- (3) To grant the benefits of DA, HRA and CCA with effect from the date of their entitlement under the scheme.
- (4) Not to make any regular appointments against the posts without considering them for regular absorption.

4. Since the applicants' service have been dispensed with and they do not seek any relief against the said action of the respondents, the question of directing their reinstatement without considering the validity of the order of their disengagement does not arise.

5. In the counter-affidavit, the respondents have taken the plea that the applicants were appointed as work

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charged labourers till regular appointments as at that time appointment of regular persons was under process in accordance with the rules on the subject. It has further been indicated that regular appointments have been made by following due procedure. The services of the applicants were dispensed with because there was no further work for them with the respondents. The respondents have further taken the plea in the counter-affidavit that the scheme contained in the Office Memorandum dated 10.9.1993 would be applicable to such of the casual labours as were employed before the date viz. 1.9.1993. They plead that since the applicants were engaged on a later date, the scheme is not applicable to them. Their further plea is that the applicants had not been engaged for 206 days as on 1.9.1993 and therefore, the claim is not tenable.

6. I have perused the Office Memorandum and gone through the relevant record. In view of the above, there is no merit in the OAS which are accordingly dismissed. The parties to bear their own costs.

B.C.Saksena

( B.C.Saksena)  
Acting Chairman

Praveen Singh  
Allied

PRITAM SINGH  
Court Officer

Central Administrative Tribunal  
Principal Bench  
Faridkot House, New Delhi

14-1-97

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