

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

M.A.No.16/2020 in & O.A.No.43/2020

Dated Thursday, the 9th day of January, 2020

PRESENT

Hon'ble Mr.P.Madhavan, Judicial Member

&

Hon'ble Mr.T.Jacob, Administrative Member

1.G.Arun,

No.7, Govindarajapuram 2nd Street,

Adyar, Chennai 600 020.

2.R.Sekar

2018, Balaji Nagar, 4th Plot,

Velachery Main Road, Pallikaranai 601 302.

... Applicants

By Advocate M/s Akbar Row

Vs

1. Union of India, rep., by

The Secretary to Government,

Ministry of Finance, Department of

Revenue, North Block,

New Delhi 110 001.

2.The Chairman,

Central Board of Indirect Taxes and

Customs, North Block, New Delhi 110 001.

3.The Principal Chief Commissioner of

GST & Central Excise, 26/1,

Mahatma Gandhi Road,

Chennai 600 034.

... Respondents

(Order: Pronounced by Hon'ble Mr.P.Madhavan, Member(J))

Heard. MA 16/2020 filed by the applicants for joining together to file a single OA is allowed.

2. The applicants have filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“To direct the first & second respondents to re-consider the applicants' representations dated 12.07.2019 for conferring temporary status and regularization by taking into account their long years of service as Casual Labourer and in view of the judgment in Rita Mary case & Batch WP Nos.16733/2009 & Batch by the Hon'ble Madras High court for framing a scheme for Casual Labourers, which had been upheld by the Hon'ble Supreme Court on 19.04.2018 and thus render justice.”

3. The applicants are Casual Labourers/Contingent Employees working in the 3rd respondent's establishment w.e.f 25.09.1998 & 01.04.2002 respectively. Since their date of engagement they are continuously working for more than 8 hours per day without any break for more than 17 to 21 years. As per the DOPT scheme dated 10.09.1993, they are eligible for conferment of temporary status. But their representations for grant of temporary status was negatived by the respondents earlier. Thereafter they made fresh representations dated 12.07.2019 in the light of the orders in Rita Mary case & Batch, i.e., WP No.16733/2009 & Batch passed by the Hon'ble Madras high court to frame a scheme for casual labourers and consider granting them temporary status and regularization and the same has been upheld by the Hon'ble Supreme Court on 19.04.2018. The Review Petition filed by the Union of India was also dismissed. When there is no reply for their latest representation, they have filed this OA.

4. When the matter came up for hearing, learned counsel for the applicants would submit that applicants in their earlier representation could not mention the order of the Hon'ble High court and the Supreme Court.

The applicants will be satisfied if their latest representation dated 12.07.2019 is disposed of in accordance with the above decisions within a stipulated time frame.

5. In view of the limited submission and without going into the merits of the case, the OA is disposed of in the following lines:

"The competent authority is directed to consider the applicants representations dated 12.07.2019 in the light of the Hon'ble Madras High court orders in Rita Mary case & Batch, i.e., WP No.16733/2009 & Batch confirmed by the Hon'ble Supreme Court on 19.04.2018 and pass a reasoned and speaking order, within a period of four months from the date of receipt of a copy of this order."

**(T.JACOB)
MEMBER (A)**

09.01.2020

**(P.MADHAVAN)
MEMBER (J)**

M.T.