

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 17th day of August, 2004.

Original Application No. 824 of 1996.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.

Hon'ble Mr. S.C. Chauhan, Member - A.

Nihal Singh S/o Sri Hari Singh
R/o N.W. 165, Swami Bagh, Dayalbagh, Agra.
at present working as Typist/LDC in the office of
Deputy Commissioner, Income Tax-Range- II, Agra.

.....Applicant

Counsel for the applicant :- Sri V.K. Barman

V E R S U S

1. Union of India through Central Board of
Direct Taxes, New Delhi.
2. Chief Commissioner of Income Tax, Kanpur.
3. Deputy Commissioner of Income Tax Range-II,
Sanjay Place, Agra.

.....Respondents

Counsel for the respondents :- Sri Amit Sthalekar

O R D E R

By Hon'ble Mr. Justice S.R. Singh, VC.

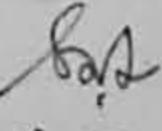
The reliefs claimed in this O.A is that the respondents be directed to regularise the services of the applicant as Junior Clerk/Typist on which post he has been working on daily wage basis for a considerably long time and further that the respondents be directed to grant increments and other service benefits to the applicant which are admissible to regular L.D.Cs/Typists. Learned counsel for the applicant has placed reliance on a decision of Hon'ble Supreme Court in U.P Income Tax Department Contingent Paid Staff Welfare Association Vs. U.O.I & Ors. A.I.R 1988 (SC) 517 and a decision of this

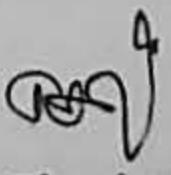
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vs. Union of India & Ors. AIR 1988 (SC) 517 and a decision of this Tribunal dated 15.07.1997 passed in O.A No. 664/96 (Radha Raman Yadav Vs. U.O.I & Ors.). For the respondents, it has been submitted by Sri Amit Sthalekar that the applicant in this case was called upon to appear in the test as per the scheme formulated by the department but he did not appear and, therefore, he is not entitled to increments and other benefits admissible to regular LDCs/Typists. Learned counsel for the applicant on the other hand submits that the applicant in this case is entitled to be treated as LDC/Typist in view of the judgment of the Tribunal in O.A No. 664/96 (Radha Raman Yadav Vs. U.O.I & Ors.).

2. Having heard counsel for the parties and upon regard to the facts and circumstances, we are of the view that ends of justice would be served if the O.A is disposed of with direction that in case the applicant prefers a representation staking his claim for regularisation/service benefits available to the regular LDCs/Typists, the competent authority (Commissioner, Income Tax) shall take appropriate decision on the representation by means of the reasoned order to be passed and communicated to the applicant within a period of 4 months from the date of receipt of representation alongwith copy of this order. It goes without saying that the competent authority shall take into consideration the decision cited by the applicant's counsel in support of his claim while deciding the representation.

3. There will be no order as to costs.


Member - A.


Vice-Chairman.

/Anand/