

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

Dated: Allahabad, the 2nd day of January, 2001.

Coram: Hon'ble Mr. Justice R.R.K. Trivedi, VC

Original Application No. 657 of 1998

1. Mohd. Saeed Khan, s/o late Sri Ab. Rashid Khan
r/o S-8/83, Maqbool Alam, Road, Ardali Bazar,
Varanasi, Presently working as casual worker
in the office of Commissioner of Income Tax,
Varanasi.
2. Kashi Nath, s/o Jialal, r/o H.No. S-2/140-A,
Bhanujvir, Dithori Mahaal, Varanasi, presently
working as casual worker in the office of Deputy
Commissioner, Income Tax, Varanasi Range, Varanasi.
3. Santlal, s/o late Sri Lolai Ram, r/o Mariyad Patti,
Bhadohi, presently working as casual worker in the
office of Income Tax Officer, Bhadohi.
4. Mehendra Kumar, s/o Sri Phool Chand Prasad,
r/o House No. 510/133, Shukulganj, Varanasi,
Presently working as casual worker in the office
of Dy. Commissioner, Income Tax (Range), Varanasi.
5. Baal Mukund Singh, s/o Sri B.B. Singh,
r/o Athilapur, Ballia, presently working as
casual worker in the office of Assistant
Commissioner Income Tax (Admn), Varanasi.
6. Shivji Prasad s/o Parikha Ram,
r/o Vill. Kachabchia, PO Aasan, Ballia.
Presently working as casual worker in the
office of Income Tax Officer, Ballia.
7. Barkat Ali, s/o Sri Abdul Jalil,
r/o H-8/119, Maqbool Alam Road, Varanasi.
Presently working as casual worker in the
office of Assistant Commissioner,
Income Tax (Admn), Varanasi.
8. Mohd. Rashid, s/o Sri Mohd. Jalil,
r/o Mohalla- Sarnath, Varanasi.
Presently working as casual worker in the
office of Assistant Commissioner,
Income Tax (Admn), Varanasi.
9. Vijai Kumar s/o Sri S. Ram,
r/o H.No. 55/8A, Pahadpur, Varanasi.
Presently working as casual worker in
the office of Dy. Commissioner (Asst).
Income Tax, Varanasi.
10. Sheikh Alauddin, s/o Sri Jalal Uddin,
r/o Income Tax Colony, Varanasi, Presently,
working as casual worker in the office of
Asst. Commissioner, Income Tax (Admn), Varanasi.

(By Advocate Sri Wasim Alam)

. . . Applicants



Versus

1. Union of India through Secretary,
Ministry of Finance, Department of Revenue,
Central Board of Direct Taxes, New Delhi.
2. Chief Commissioner of Income Tax,
Lucknow.
3. Commissioner of Income Tax, Varanasi.
4. Dy. Commissioner, Income Tax, Range Varanasi,
Varanasi.
5. Asstt. Commissioner, Income Tax (Admn),
Varanasi.

. . . Respondents

(By Advocate Sri Ashok Mohiley)

_O_R_D_E_R_(OPEN COURT)

(By Hon'ble Mr. Justice R.R.K. Trivedi, VC)

By this Application u/s 19 of the Administrative (Tribunals) Act, 1985, applicants have prayed for a direction to the respondents 2, 3 and 4 to grant them temporary status as and when they completed 206 days in a calendar year and also to regularise their services in terms of Government Notification dated 12th October, 1993. The applicants have also prayed that the Respondents may be directed to pay all benefits admissible to the applicants under the scheme introduced by the Notification dated 12th October, 1993. The case of the applicants is that they are serving in the Income Tax Department for the last several years. The facts for each applicant have been mentioned in the application and it appears that they ~~are~~^{are} engaged as contingency paid employees

Contd..3

on various dates. Sri Ashok Mohiley, learned counsel for the Respondents has submitted that the Commissioner of Income Tax, Varanasi has passed a detailed order dated 14th May, 1999, giving relief to the contingency paid employees/daily wagers. The learned counsel for the applicant has, however, submitted that by the aforesaid order dated 14th May, 1999 only four of the applicants have been benefitted and rest of the applicants have been ignored without any reason. The learned counsel for the applicant has also submitted that the Respondent no.3 has not taken into account the Notification dated 12th October, 1993 and also the judgment of this Tribunal dated 31st August, 1995 in O.A. No.1200 of 1993, in Para-6 whereof this Tribunal interpreted the judgment of Hon'ble Supreme Court in the case of U.P. Income Tax Department Contingency Paid Staff Welfare Association Vs. Union of India and others, AIR 1988, Supreme Court, Page 517 and concluded as under:-

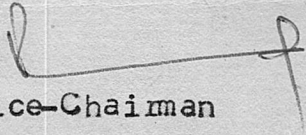
"Looking to this dictum, it is clear that the said judgment was not confined to the employees of the particular place but it was made applicable to all the employees of contingent paid staff of Income Tax department. Thus, the respondents are, therefore, directed to give minimum salary of regular class IV employee to the applicant from the time when full time working was taken from her."

The submission of the learned counsel for the applicant is that the remaining applicants should also not ^{have} been ignored, in view of the aforesaid view expressed by the Division Bench of this Tribunal.

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2. I have carefully considered the submissions made by the learned counsel^s for the parties. A perusal of the order dated 15th April, 1999 passed by the Respondent no.3 shows that he has comprehensively considered the problem in the right angle. However, the impact of the Notification dated 12th October, 1993 and the order of this Tribunal mentioned above escaped his notice, as probably they were not placed before him. The applicants claim that they are still serving in the department. In the circumstances, in my opinion, ends of justice shall be better served, if the Respondent No.3 considers the claim of the remaining applicants also in the light of the order of this Tribunal and the Government of India ~~and the~~ Notification dated 12th October, 1993.

3. The application is accordingly disposed of finally with a direction to the Respondent No.3 to consider the cases of the remaining applicants, namely, Applicant Nos.2, 3, 6, 8, 9 and 10 and pass reasoned order within a period of three months from the date a copy of this order is filed before him. There shall be no order as to costs.


Vice-Chairman

Nath/