

RESERVED

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.**

Original Application No.603 of 2001

ALLAHABAD THIS THE 23rd DAY OF SEPTEMBER. 2005.

Hon'ble Mr.K. B.S. Rajan, Member-J.

Guddu Kumar Srivastava S/o Shri Ram Chandra Srivastava,
R/o Mohalla Kharegjeet Nagar Near Sushila Public School,
Mainpuri, District Mainpuri.

.....Applicant.

(By Advocate : Sri B.R. Singh)

Versus.

1. Income Tax Officer, Mainpuri.
2. Joint Commissioner of Income Tax, Aligarh Range, Aligarh.
3. Income Tax Commissioner, Sanjay Palace Agra.
4. Chief Commissioner of Income Tax, Ayakar Bhawan, Civil Lines, Kanpur.
5. Govt of India through Chief Commissioner of Income Tax, Civil Lines, Kanpur.

.....Respondents.

(By Advocate : Sri S. Singh)

ORDER

The applicant, a casual labourer engaged in May 1998 and disengaged on 7th December 2000 prays for his reengagement and his main claim is that in his place the respondents have engaged one Yad Ram which according to the applicant is illegal and against the law laid down by the Apex Court in the case of Piara Singh Vs. State of Haryana .

2. The facts of the case are not disputed save that according to the respondents the applicant could not be continued to be engaged as he has indulged in certain illegal active of taking the official records outside office premises. It is pertinent to quote the averments made by the respondents vide paragraph 25 and 26 :-

"That the contents of paragraph NO.23 of the counter affidavit is not admitted as stated. However, in reply

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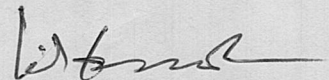
paragraph NO.4 (xiv) of the original application is reiterated. It is further submitted that the applicant has been paid wages upto 6th December 2002, but thereafter, the applicant has also worked upto February, 2001, but unfortunately he came to Hon'ble High Court for the relief to continue him till the regular selection is made, then thereafter, the answering respondents did not permit the applicant to discharge his duties nor paid salary already worked. But since there was acute shortage of class IV employee as Farrash/safaiwala therefore, in place of the applicant one person namely Yadram has been given appointment to work on daily wages on the post of Farrash/Safaiwala, which indicate that there is a cute shortage of one class IV employee, therefore, the petitioner/applicant is entitled to continue till the regular selection is made and is also entitled to get salary/wages.

"That the contents of paragraph NO.24 of the counter affidavit need no comments. However, in reply paragraph NO.4(xv) of the original application is reiterated".

3. The applicant has rebutted the said averments in paragraph No.27 and 28 of the rejoinder affidavit.

4. Arguments were heard and documents perused. The Applicant had been engaged in the Income Tax Department and needless to mention that secrecy is required to be maintained by those engaged in the Department. The counter filed by the respondents has been verified and shown by the Income Tax Officer, Mainpuri and there is no reason to disbelieve his version. No allegation of malafide has been alleged by the applicant. Hence it can be reviewed that during his engagement the applicant was indulging in undesirable activity and it is for that reason that he was disengaged. Under these circumstances, the case of Piara Singh (Supra) does not come to the rescue of the applicant.

5. The application is, therefore, devoid of merits and hence is dismissed. No costs.



Member-J

Manish/-