

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH,  
ALLAHABAD**

**ORIGINAL APPLICATION NO. 119 OF 2004**

ALLAHABAD THIS THE 26th DAY OF MAY, 2008

**HON'BLE MR. N.D. DAYAL, MEMBER-A**

Reoti Sharan, aged about 40 years, S/o Sri Ramji Lal, R/o 3/352, Ruiki Mandi, Shahganj, Agra.

.....Applicant

(By Advocate Shri A.K. Sharma)

**V E R S U S**

1. Union of India through its Principal Secretary of Finance.
2. Commissioner of Income Tax-I, Aayakar Bhawan, Sajay Place, M.G. Road, Agra.
3. Assistant Commissioner of Income Tax (Head Quarter) O/O Commissioner of Income Tax-I, Agra.

.....Respondents

(By Advocate: Sri S. Singh)

**O R D E R**

The applicant, in this case, is casual labour, who was awarded temporary status under DOP&T Scheme for 'Grant of Temporary Status and Regularization 1993' as per order dated 9.12.93, at page 30-33 of the O.A. The applicant is seeking set-aside impugned order dated 3.2.2003 at page 37 of the O.A., whereby his request for age relaxation was turned down as per the reasons given therein.

2. The learned counsel for the respondents has stated that the O.A. is belated, but it is seen that it was filed on 16.9.2003, in time. The learned

counsel for the applicant states that not only should the age relaxation for the applicant be considered in terms of Government's instructions at page 35, but the period during which he worked with temporary status should also be kept in mind because he was not serving on Group 'D' post, but continued as casual labour doing the work of similar nature and getting wages on pro rata basis. He also states that he had joined as Casual labour in 1983 and intervening period court's case was going on against him, should not be held against him because he was willing to work, but prevented from doing so and later on the court's case was decided exonerating him. It is further pointed out that if such consideration are kept in mind while taking a decision on the case of the applicant, the respondents may find that the applicant is eligible not only for <sup>not</sup> being allowed to participate in the selection for Group 'D' post, but also separately entitled <sup>to</sup> regularized as per the Scheme of 1993 being temporary status. Since some of these submissions are not fully reflected in the O.A., the applicant is granted liberty to prefer a detailed representation to the respondents taking the grounds already taken in the O.A. as well as he may like alongwith relevant documents and judgments, if any, within a period of 30 days from today to respondent no.2, who upon receipt of the same shall inform the applicant by speaking order of the decision taken in accordance with law within a period of three months thereafter.

3. The O.A. stands disposed of in the above terms with no order as to costs.



MEMBER-A