

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH: ALLAHABAD.

Original Application No.1115 of 2004.

Allahabad this the 11th day of October, 2004.

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

1. Virendra Kumar Shukla  
S/o Shri Harbans Kumar Shukla  
R/o Bhadras- Ghatampur, Kanpur.
2. Vinod Kumar  
S/o Shri Bansi Lal,  
H. No. 8, Baniya Bazar, Cantt,  
Kanpur.
3. Smt. Nirmala D/o Shri Galkey Kashyap  
14/1 In front of Church, Gwaltoli, Kanpur.
4. S.M. Ibrahim Husain,  
S/o S. Israr Husain,  
130/171-A, Bagahi, Babupurwa, Kanpur.
5. Bhagwati Prasad Maurya S/o Shri Nankau Maurya  
R/o 10/463 (Mefild House) Khalasi Line, Kanpur.
6. Kanhaiya Singh S/o Late Shri Raghubeer Singh  
2A/377 (S) Azad Nagar, Kanpur.
7. Babu Ram Pal, S/o Shri Kanhaiya Lal Pal  
8-D, Barra-2, Chedi Singh Ka Purwa, Kanpur
8. Chander (Safai wala), 16/69, Civil Lines,  
Kanpur.
9. Kailash (Safai Wala), S/o Shri Hori Lal,  
16/11, Bhagwat Das Ghat, Civil Lines, Kanpur.
10. Subhash Kumar S/o Shri Ram Lawat Prajapati,  
H. No.38, Kanchan Nagar "B" Shukla Ganj,  
Unnao.
11. Sunil Kumar Saini S/o Shri Ram Sahai Saini,  
10/470-B, Khalasi Line, Kanpur.
12. Brijesh Kumar Pandey S/o Shri Shree Kant Pandey,  
Post Gauri Bhagwanpur, Gram Gauri Lakkha, Kanpur.

*Shukla*

13. Ashok Kumar Tiwari S/o Late Shri Manna Lal Tiwari, 100/25, Karnal Ganj, Kanpur.
14. Krishna Kumar S/o Suresh Saha, 2/192, Sarvodaya Nagar, Shukla Ganj, Unnao.
15. Ram Surat Singh S/o Late Shri Ram Nath Singh Karchan Nagar 'A', In front of 2/548, (Kalimandir), Shukla Ganj, Unnao.
16. Daya Shankar S/o Shri Barati Lal Poney Road, Ghanda Chauraha, Brahma Nagar, Shukla Ganj, Unnao.
17. Rajesh Rao S/o Shri Kallu Prasad 390, Civil Line, Birhana, Unnao.
18. Ajai Kumar (Safai wala)(Rajesh) S/o Shri Om Das C-26, Police Line, Civil Lines, Kanpur.
19. Vijay Kumar S/o Late Shri Sahdev Prasad Behind ITI, Malin Basti, Rajapurwa, Kanpur.
20. Ghanshyam Yadav s/o Shri Keshav Prasad Yadav 4/278, B-4, Vishnupuri Colony, Kanpur.
21. Veer Singh s/o Shri Ram Tej Singh 25/16, Karachi Khana, Kanpur.
22. Rakesh Sharma S/o Shri Vinod Sharma H.No.238-D, Shyam Nagar, Kanpur
23. Rajesh (Safai wala) S/o Shri Jagmohan 16/11, Guptarghat, Pheel Khana, Kanpur.
24. Pankaj Mishra S/o Shri Raj Kumar Mishra Gopi Nath Puram, Shukla Ganj, Unnao.
25. Rajendra Prasad Tiwari S/o Shri Narbada Prasad Tiwari 16/39-D, Civil Lines, Kanpur.
26. Rajendra Kumar Srivastava, S/o Shri Laxmi Narayan Srivastava, H-43, Central Excise Colony, Ranjit Nagar, Kanpur.
27. Ram Singh S/o Shri Devraj 14/96, Harnarain Ka Banglaw, Kanpur.
28. Ram Dhayal Kol S/o Shri Niranjan Kol Gram Shivpura, Post Amilia Kala Tehsil Meja, Allahabad.
29. Chandra Bhan Singh S/o Late Shri Malkhan Singh 101, Civil Lines, Kachehri Road, Unnao.
30. Navneet Kumar Shukla S/o Shri Durga Shankar Shukla Gram Dalpatpur, Post Prempur, Thana Narval, Kanpur.

*Corrected vide  
Court order dated 2.12.04.*

*S. Shankar*

31. Pawan Shukla S/o Shri Jai Shankar Shukla  
H. No.584 "B", S Block, Yashoda Nagar,  
Kanpur.

32. Smt. Suman D/o Shri Ganeshi Lal Ji  
9/50, Brijendra Swaroop Park, Makrobert  
Ganj, Kanpur.

33. Ravindra Yadav S/o Shri Ram Vijai Yadav  
13/74, Parmat, Kanpur.

34. Pradeep Kumar Yadav S/o Shri Shyam Yadav  
116/96, Rawatpurgaon, Kanpur.

35. Izhar Ahmad S/o Shri late Imtiyaj Ahmad  
16/69, Civil Lines, Kanpur.

36. Pankaj Shukla S/o late Shri Virendra Kumar Shukla  
109/54, Nehru Nagar, Kanpur.

37. Arvind Kumar Gaur S/o Shri Dinesh Kumar Gaur,  
15/279, Civil Lines, In front of G.N.K.  
Inter College, Kanpur.

38. Brijesh Kumar Tiwari S/o late Shri Ram Tiwari,  
E-12/5, KDA Colony, Yashoda Nagar, Kanpur.

39. Ganesh Kumar S/o Late Shri Gopal Ji Prasad Gupta  
96/1, Vijai Nagar, Kanpur.

40. Kuldeep Srivastava S/o Shri Shiv Bhawan Lal  
Srivastava, 126/41, I Block Govind Nagar,  
Kanpur.

41. Prabhat Verma S/o Shri Om Prakash Verma  
Plot No.258, Damodar Nagar, Kanpur.

42. Ravi Shankar Mishra S/o late Shri Ram Bihari  
Mishra, Gram & Post Chamrauli, District Unnao.

43. Lok Prasad S/o Shri Shalic Ram  
10/463, Khalasi Line, Kanpur.

44. Sanjai (Safai wala) S/o Shri Kallu  
12/480, Gwaltoli, Kanpur.

45. Rajesh Kumar (Safai wala) S/o Shri Mohan Lal

16/11, Bhagwat das Ghat, Civil Lines, Kanpur.

46. Alimuddin S/o Shri Imamuddin  
184, Moti Nagar, Jajmau, Kanpur.

47. Dev Raj Maurya S/o Shri Jagannath Maurya,  
Gram & Post Kumbhi Aima, District Pratapgarh.

48. Jagmohan S/o Shri Bhola  
CTI Chauraha, Govind Nagar, Kanpur.

49. Brahma Narain S/o late Shri Bishan Narain Saxena  
H. No.610, Sunaron Ki Gali, Malahapur, Bazaria  
Bareli.

50. Chandra Kumar Singh S/o Shri Siya Ram Kannaujia,  
Vijyari Purwa Naibasti, Kheyra Nanawganj,  
Near Jyoti Vidyamandir School.

51. Shiv Dayal S/o Shri Rajau  
Gram Bhaya Khera, Post Bhagwatnagar,  
Unnao.

52. Hausla Prasad S/o Shri Jai Karan Maurya  
Post Saigarh, District Sultanpur.

53. Anil Kumar Dwivedi S/o Shri Chandra Dutt Dwivedi  
117/194, 'P' Block, Hitkari Nagar, Kakadev Kanpur.

54. Prem Chandra Pal S/o Shri Bhajan Lal Pal  
Plot No.258, Khyera, Nai Basti, Nawabganj,  
Kanpur.

.....Applicants

(By Advocate : Sri S.N. Pandey)

Versus.

1. Union of India through the Chief Commissioner  
of Income Tax, Kanpur Aaykar Bhawan,  
16/69, Civil Lines, Kanpur Nagar.

2. Commissioner of Income Tax, Kanpur.

3. Dy. Controller of Accounts, Office of the  
Principal Commissioner of Income Tax,  
Central Board of Direct Taxes, Zonal  
Accounts Aaykar Bhawan, Kanpur.

*Shankh*

.....Respondents.

(By Advocate : Sri Saumitra Singh)

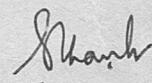
ORDER

The applicants 54 in number, joined their services as a daily wages casual labourers between the year 1997 to 1999 and are still working in the department as per the Scheme issued vide office memorandum dated 10.9.1993. It was envisaged to give temporary status to the casual labourers, who have completed 206 days of service. Accordingly, all daily wages casual labourers who were in the eligibility zone granted temporary status. According to the applicant, ever since the year 1993 numbers of daily wages casual labourers were engaged and they are still working in the department to meet out the exigencies of the work. It is stated that after the above O.M. dated 10.9.1993, no further scheme was framed to provide the temporary status to daily wages casual labourers who are working <sup>for</sup> more than 5 to 7 years, but the temporary status has been given by the department in various offices to the daily wages casual labourers. On 27.7.1994, Income Tax Commissioner, Lucknow and on 28.12.99 and 20.3.98, office of Income Tax (Headquarters personnel) New Delhi, has already given temporary status <sup>Further</sup> to the daily wages casual labourers. ~~Accordingly~~, in the year 1999, the Chief Commissioner of Income Tax vide circular dated 13.10.99 issued specific direction to the Commissioner, Income Tax, Kanpur not to engage the daily wages casual labourers, unless the requirement is absolutely necessary. The applicants have sought a direction for grant of temporary status and regularisation in the light of the provisions made in the earlier O.M. dated 10.9.1993 (Annexure-2).

2. On the request of the counsel for the applicants, applicants are allowed to submit a representation to the competent authority within 10 days from the date of receipt of copy of this order. It is further directed that the competent authority shall decide the representation of the applicants within a period of two months from the date of receipt of such representation under law and rules on

the subject by passing a reasoned and speaking order under intimation to the applicants.

3. With the above directions, the O.A. stands disposed of with no order as to costs.



MEMBER (A)

GIRISH/-