

(5)

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1327 OF 2004  
ALLAHABAD THIS THE 8TH DAY OF NOVEMBER,2004

HON'BLE MR. D. R. TIWARI, MEMBER-A

1. Pankaj Masih, S/o Mashi,  
R/o Church Mission Compound,  
Ghazipur.
2. Rajesh Kumar Rai, S/o Bishwanath Rai,  
R/o 6-47 B.43 Brindaban Bihar Colony,  
P.O. Sunderpur, Varanasi.

. . . . . Applicant

( By Advocate Shri S.K. Dey and Shri S.K. Mishra )

Versus

1. Union of India,  
through the Secretary,  
Ministry of Finance, Central Board of  
Direct Taxes, New Delhi.
2. The Commissioner of Income Tax,  
Varanasi.

. . . . . Respondents

( By Advocate Shri Saumitra Singh )

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By this O.A. filed under Section 19 of  
Administrative Tribunals Act 1985, the applicant has  
prayed for the following reliefs:-

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"1.) That this Court may be pleased to direct the respondents to pay equal wages for equal work or regular scale of pay on completion of 206 days working.

2.) Any other relief or reliefs to which they are entitled may also be awarded."

2. The main grievance of the applicants are that they had been employed as Casual Labour since December '93 and Sept. 1999 and they have completed more than 206 days continuously. However, they are being paid at Casual rate and their case is covered by the circular dated 21.08.2003 which is annexed as Annexure-5. They have further submitted that Annexure-4 would indicate that the junior employees to them have already been granted temporary status whereas they have been denied this facility.

3. I am of the view that without calling for the counter affidavit, ends of justice would be better served if the respondents are directed to decide the representation dated 30.09.2003 (Annexure A-6) within a stipulated time by a reasoned and speaking order. The applicants are also given liberty to file a fresh and detailed representation within two weeks.

4. Accordingly, the D.A. is finally disposed of at the admission stage itself with a direction to respondent no.2 to decide and consider the representation of the applicants by a reasoned and speaking order to be passed and communicated to the applicant within a period of three months from the ~~xxx~~ date of receipt of a copy of this order. No costs.

*Handwritten Signature*  
Member-A