

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 16TH DAY OF NOVEMBER, 2000

Original Application No.465 of 1995

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.S.DAYAL, MEMBER(A)

1. Dinesh Kumar, S/o Shri Bhairu Prasad  
Srivastava, R/o H-49 Central  
Excise Colony, Ranjeet Nagar,  
Kanpur.
2. Vishwa Nath, S/o Shri Mithai Lal  
R/o 117/210, Ambedkar Nagar,  
Kanpur.
3. Hari Shanker, S/o Shri Kali Charan  
C/o Shri Soney Lal, R/o 124  
M.I.G.Barra, Kanpur Nagar
4. Santosh Kumar, S/o Ram Lawat  
R/o Central Excise Colony,  
Ranjeet Nagar, Kanpur.
5. Ved Prakash, S/o Shri Ganga Prasad  
Purwa Post Bara, Distt. Unnao

... Applicants

(By Adv: Shri S.N.Srivastava)

Versus

1. The Chief Income Tax Commissioner,  
Kanpur Range, 16/69 Income Tax  
Department, Civil Lines,  
Kanpur.
2. The Union of India, the summon to be  
effected through Chairman, Central  
Board of Direct Taxess,  
Ministry of Finance, New Delhi.

... Respondents

(By Adv: Shri Ashok Mohiley)

O R D E R (Oral)

(By Hon.Mr.Justice R.R.K.Trivedi,V.C.)

By this application u/s 19 of the A.T.Act 1985 the applicants have questioned the correctness of the orders dated 17.2.1995 by which representation of the applicants were rejected. The copies of the orders have been filed


as (Annexure 1 to 5). ~~and~~ The applicants were engaged as Casual labourers in Income Tax department on 18.5.1991. They were disengaged on 8.8.1991. Applicants filed OA No.238/94 in this Tribunal raising the grievance that Casual labourers who were junior to the applicants have been granted temporary status ignoring the claim of the applicants. A Division Bench of this Tribunal by order dated 2.3.1994 disposed of the OA finally with a direction to the respondents to decide the representation dated 16.2.1990. In pursuance of this, impugned orders have been passed. The date on which the applicants were engaged and their disengagement are not disputed. For grant of temporary status the reference of Govt. of India <sup>order</sup> dated 10.9.1993 is necessary which lays down certain conditions. The conditions are mentioned in para 4 of the order which has been filed as (Annexure 1 to the CA). The conditions are mentioned below:-

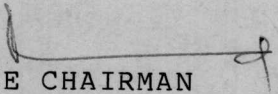
- i) Temporary status would be conferred on all casual labourers who are in employment on the date of issue of the OM and who have rendered a continuous service of atleast one year, which means that they must have been engaged for a period of atleast 240 days (206 days in the case of office observing 5 days week)
- ii) Such conferment of temporary status would be without reference to the creation/availability of regular Group'D' posts.
- (iii) Conferment of temporary status on a casual labourer would not involve any change in his duties and responsibilities. The engagement will be on daily rates of pay on need basis. He may be deployed anywhere within the recruitment unit/territorial circle on the basis of availability of work.



- iv) Such casual labourers who acquire temporary status will not however, be brought on to the permanent establishment unless they are selected through regular selection process for Group D posts.

The applicants should have been engaged for a period of 240 days (206 days in case of 5 days week) and they should have been on the job on 1.9.1993 when the scheme came into force. The applicant do not satisfy the aforesaid conditions. The impugned orders have been passed on the basis of the order dated 10.9.1993. The order do not suffer from any illegality. The applicants were not entitled for temporary status. If their juniors were continued even after 1991 it should have been challenged immediately which has not been done by the applicants. They approached this Tribunal only in 1995. The claim is also highly belated. In the circumstances, we do not find any merit in the application and the application is accordingly rejected. No order as to costs.

  
MEMBER(A)

  
VICE CHAIRMAN

Dated: 16.11.2000

Uv/