

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 16TH DAY OF AUGUST, 2000

Original Application No. 498 of 1995

CORAM:

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

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

Indra Narain, son of M.S.Dubey
working as Stenographer
(Prosecution Section) in the
Office of Commissioner of Income Tax,
Allahabad Charge, Allahabad.

... Applicant

(By Adv: Shri O.P.Gupta)

Versus

1. Commissioner of Income Tax,
Allahabad Charge, Allahabad,
38 M.G.Marg, Allahabad.
2. Union of India through Secretary
Central Board of Direct Taxes,
Govt. of India, New Delhi.

... Respondents

(By Adv: Shri Amit Sthalekar)

O R D E R(Oral)

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


By this application the applicant has prayed for direction to the respondents to pay minimum of pay scale applicable to the post on which applicant is working i.e. Stenographer w.e.f. 2.1.1984. The case of the applicant is that he was appointed as a Stenographer on daily wages on 2.1.1984. Since then he is continuing in the department. As no counter affidavit has been filed by the respondents inspite of several opportunities have^u been given, The facts revealed^a in this application are uncontroverted and we are accepting the same. As the applicant is working since 2.1.1984 till date as a Stenographer and he being paid the daily wages in our opinion, he is entitled for the ^{relied as} benefit of ^{given u} law in case of U.P.INCOME TAX DEPARTMENT CONTINGENT PAID STAFF WELFARE ASSOCIATION Vs. UNION OF INDIA AND OTHERS (1987) 5 Administrative Tribunals Cases 434. In this case Hon'ble Supreme passed the following orders contained in para 5:-

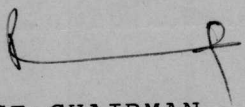
"We accordingly allow this writ petition and direct the respondents to pay wages to the workmen who are employed as the contingent paid staff of the Income Tax Department throughout India, doing work of Class IV employees at the rates equivalent to the minimum pay in the pay scale of the regularly employed workers in the corresponding cadres without any increments with effect from December 1, 1986. Such workmen are also entitled to corresponding Dearness Allowance and Additional Dearness Allowance payable thereon. Whatever other benefits which are now being enjoyed by the said workmen shall continue to be extended to them. We further direct the respondents to prepare a scheme on a rational basis for absorbing as far as possible the contingent paid staff of the Income Tax Department who have been continuously working for more than one year as

Class IV employees in the Income Tax Department." The factual position in this case is almost ^{same} ~~that~~ the learned counsel has placed before us unreported order^s of this Tribunal in OA 402 of 1991 Krishna Kumar Tripathi Vs. Union of India and others and OA No.928 of 1990 Ashok Kumar Srivastava Vs. Union of India and Others in which this view has been followed. This application is accordingly allowed. The respondents are directed to pay the applicant the minimum of the pay scale of the Stenographer working in Income Tax Department w.e.f the date this application was filed in this Tribunal i.e. on 16.5.1995 with all other benefits as stated in the judgment of Hon'ble Supreme Court. The arrears if

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if any, shall be paid to the applicant within six months from the date of receipt of a copy of this order. There will be no order as to costs.


MEMBER(A)


VICE CHAIRMAN

Dated: 16.8.2000

Uv/