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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.316 OF 2006

ALLAHABAD THIS THE 30<sup>TH</sup> DAY OF MAY 2008

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

Harikesh Kumar,  
S/o Late Sri Ram Prasad,  
R/o Deoria Khas P.O. Deoria,  
District-Deoria.

..... .Applicant

By Advocate : Sri R. B. Tripathi

Versus

1. Union of India through the Secretary,  
Ministry of Finance, New Delhi.
2. Commissioner of Income Tax,  
Gorakhpur Region, Gorakhpur.
3. Income Tax Officer, Deoria,  
District-Deoria.

..... .Respondents

By Advocate : Shri Saumitra Singh

ORDER

Learned counsel for the applicant submits that the relief sought by the applicant who is a Daily Wager on Casual basis is for grant of temporary status as he was appointed in the Income Tax Office Deoria on 12.05.1993. It is not disputed that the applicant was inducted on the job in 1993. Learned counsel for the respondents states that his age was only 14 years. In case age is the relevant criteria the learned counsel for the applicant submits that the applicant may be granted temporary status from the relevant age as per the scheme. He further submits that in terms of the scheme those casual labours who have been working for

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206/240 days are eligible for grant of temporary status. He therefore seeks equal benefit under the scheme for grant of temporary status and in case it is <sup>7 relevant</sup> ~~not~~ he would be 18 years of age in 1997 and therefore, from the relevant age he is entitled for grant of temporary status. Learned counsel for the respondents seeks time to take instructions as he submits that there is a judgment of Ernakulum Bench which has not been made available today despite direction of the Tribunal specifically for the respondents to place on record the scheme of 1993 as well as decision mentioned in para 3 of the Counter affidavit. A perusal of para 3 of the counter affidavit shows that the respondents have taken a stand that since the applicant had not completed service of 240 days in 1993 as per judgment of the Ernakulum Bench in OA No.750/94 dated 13.03.1995 as well as Government of India, Department of Post instructions dated 12.05.1991 the applicant would not be eligible for temporary status at that stage. The Date of Birth of the applicant is stated to be 05.05.1979 and he has been working since 12.05.1993, therefore being a minor it is submitted that in 1993 he was not eligible.

2. It is not the case of the applicant that he should be granted temporary status even though he was not eligible. The learned counsel for the applicant submits that the applicant be granted temporary status as per the scheme of 1993 on attaining the age of

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majority if he is otherwise eligible and the decision communicated to him at the earliest. Besides he may also be extended the benefits of the scheme ~~on the~~ <sup>Y</sup> relevant days in terms of his conditions of employment and pro rata wages etc.

3. This matter is, therefore, disposed of with a direction to the respondents to consider the prayer of the applicant in accordance with the scheme of 1993 issued by DOPT for temporary status and regularization and extend the benefit~~s~~ of temporary status to the applicant in accordance with the same. He may be informed of the decision taken by a speaking order within a period of six weeks from the date of receipt of a copy of this order.

4. The OA is disposed of as ~~the~~ above.

No Costs.

  
Member-A

/ns/