

X/2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH AT JODHPUR

O.A Nos.531/2011, 530/2011, 529/2011, 532/2011, 533/2011, 534/2011 with MA 142/2012, 535/2011, 536/2011, 537/2011, 538/2011, 539/2011, 540/2011, 541/2011, 542/2011, 560/2011, 498/2011, 499/2011, 500/2011, 501/2011, 502/2011, 511/2011, 512/2011, 517/2011, 518/2011, 519/2011, 523/2011, 524/2011, 16/2012, 77/2012, 91/2012, 172/2012, 173/2012, 386/2011, 387/2011, 482/2011, 483/2011, 484/2011, 485/2011, 464/2011, 465/2011, 466/2011, 467/2011 & 468/2011

Date of decision: 14th August, 2012

CORAM

HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER
HON'BLE MR B K SINHA, ADMINISTRATIVE MEMBER

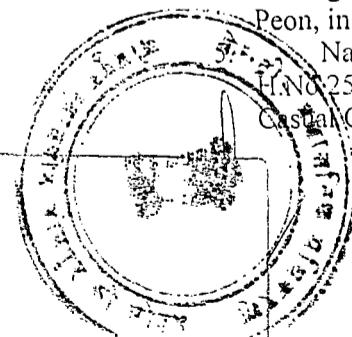
OA No.531/2011

1. Abdul Kadar S/o shri Hafiz Abdul Kadar, aged about 58 years, R/o 12/28 Rehman Colony, Alka Hotel Ke Pas, Udaipur, at present employed as Casual Computer Operator, in the office of CIT (A), 16, Mumal Tower, Udaipur.
2. Ajit Singh Chauhan S/o Kesar Singh Chauhan, aged about 29 years, R/o 636 Dholi Magri Gali No.2, Udaipur, at present employed as Casual Computer Operator, in the office of ITO Ward-2(2), 6, New Fatehpura, Udaipur.
3. Bhunveshwar Paneri S/o Onkarnath Paneri, aged about 36 years, R/o 37, Paneri Bhawan, Inside Chandpole, Udaipur, at present employed as Casual Computer Operator, in the office of ITO (TDS), Udaipur.
4. Dinesh Jain S/o Shri Shanti Lal Jain, aged about 30 years, R/o H.No.208, Paras Apartment, at present employed as Casual Computer Operator, in the office of ACIT Circle-2, 6, New Fatehpura, Udaipur.
5. Hira Lal Dangi S/o Sh. Mighu Lal Dangi, aged about 19 years, R/o Khatikwada, Bedla, Udaipur, Peon, at present employed as Casual Peon in the office of JT CIT, 6, New Fatehpura, Udaipur.

OA No.530/2011

1. Nagraj Meena S/o Kanji Meena, aged about 38 years, R/o village Khokhadra, Kherwada, Udaipur, at present employed as Casual Peon, in the office of ITO Ward-1 (4) 6, New Fatehpura, Udaipur.
2. Narayan Lal Dangi S/o Shri Keshu Lal Dangi, aged about 22 years, R/o Khatikwada, Bedla, Udaipur, at present employed as Casual Peon, in the office of CIT, 16 Mumal Tower, Udaipur.
3. Narbada Shankar Menariya S/o Shri Kalu Ram Ji, aged about 43 years, R/o village Chirva, Girwa, Udaipur, at present employed as Casual Peon, AO (DDO), Udaipur.
4. Narendara Bhatnagar S/o Shri Ashok Bhatnagar, aged about 26 years, R/o 30, Chitragupt Marg, Mahila Mandal ke Pas, Udaipur, at present employed as Casual Peon, in the office ITO Ward-2(1), 6, New Fatehpura, Udaipur.

Narendra Purbia S/o shri Himmat Lal Purbia, aged about 31 years, R/o H.No.256 Rampura Choraha, Ubhayshila Ji Road, Udaipur, at present employed as Casual Computer Operator in the office of CIT, 16 Mumal Tower, Udaipur.



1. Vikram Arya S/o Shri Bhanwar Lal, aged about 26 years, R/o C/o Shankar Sadan, in front of Central Jail, Rajnagar, District Rajsamand, at present employed as Casual Chowkidar, in the office of Income Tax, Rajsamand.
2. Ramesh Kumawat S/o Shri Pramanand Kumawat, aged about 27 years, R/o E-239, Nai Abadi, Kandroli, District Rajsamand, at present employed as Casual Data Entry Operator, in the office of Income Tax, Rajsamand.
3. Prakash Harijan S/o Shri Kishan Lal Harijan, aged about 26 years, R/o Mukherjee Choraha, Harijan Basti, Kankroli, District Rajsamand, at present employed as Casual Sweeper, in the office of Income Tax, Rajsamand.
4. Iswar Lal Prajapat S/o Shri Bhagwan Lal Prajapat, aged about 2 years, R/o Village Banai Post, Binol Via Kuwaria, District Rajsamand, at present employed as Casual Data Entry Operator, in the office of Income Tax, Rajsamand.
5. Amba Lal Meena S/o Shri Hajari Lal Meena, aged about 33 years, R/o 50 Indra Colony, Village Vasol, District Rajsamand, at present employed as Casual Peon, in the office of Income Tax, Rajsamand.

1. Manish Rawat S/o Shri Dau Lal Ji, aged about 30 years, R/o 14, Mayur Van Colony, Panerion Ki Madri, Udaipur, at present employed as Casual Computer Operator, in the office of Guest House, CIT, 16, Mumal Tower, Udaipur.
2. Manohar Singh Meena S/o Shri Nanji Meena, aged about 30 years, R/o village Karnpuria, Kuwaria, Sarada, Udaipur, at present employed as Casual Cook, in the office of Guest House, IT Guest House, H.M. Sector-11, Udaipur.
3. Padmiesh Sharma S/o Shri Harishankar Sharma, aged about 29 years, R/o C/o Yashwant Purohit, Brahmpuri Mohalla, Bansi, Chittorgarh, at present employed as Casual Computer Operator, in the office of Guest House, Addl. CIT, Range Chittorgarh.
4. Praveen Sandhaya S/o Shri Sohan Lal Sanadhaya, aged about 25 years, R/o G107, Gandhi Nagar, Sector-5, Chittorgarh, at present employed as Casual Computer Operator, in the office of Guest House, DCIT, Circle, Chittorgarh.
5. Pushkar Choudhary S/o Nandram Choudhary, aged about 34 years, R/o Lakharihati, Near Satyanarayan Temple, Udaipur, at present employed as Casual Computer Operator, in the office of Guest House, ITO Ward-3, Chittorgarh.

1. Vijay Singh Chouhan S/o Shri Hari Singh Chouhan, aged about 33 years, R/o 31, Krisanpura, Gali No.2, Udaipur, at present employed as Casual Peon, in the office of Jt CIT, 6, New Fatehpura, Udaipur.
2. Vinod Kumar Chouhan S/o Shri Chotu Lal Chouhan, aged about 39 years, R/o 482, Hathi Pol, Chaman Pura, Gali No.9, Udaipur, at present employed as Casual Peon, in the office of CCIT, 6, New Fatehpura, Udaipur.
3. Yogesh Meena S/o Shri Omprakash Meena, aged about 36 years, R/o Swarup Pura Mavli, Udaipur, at present employed as Casual Peon, in the office of Ito, TRO, 13-B, Saheli Marg, Udaipur.
4. Kishan Lal Meghwal S/o Shri Roop Lal Meghwal, aged about 26 years, R/o 621, Gali No.3, Machlla Magra, Hiran Magri, Sector f11, Udaipur, at present employed as Casual Peon, ACIT, Circle-2, Udaipur.
5. Mukta Sharma D/o Shri Nand Lal Sharma, aged about 31 years, R/o 103, AR Complex, Sector 14, Udaipur, at present employed as Casual Computer Operator, in the office Sevottam CIT, 6, New Fatehpura, Udaipur.

O.A. No.534/2011 with MA No.142/2012

1. Naresh Menaria S/o Shri Kishan Lal Menaria, aged about 25 years, R/o 255, Badgoan, Udaipur, at present employed as Casual Computer Operator, in the office of ITO Ward-2 (1), 6, New Fatehpura, Udaipur.
2. Pankaj Joshi S/o Shri Kaluram Ji, aged about 31 years, R/o Shreenath General Store, Gowardhan Villas, Udaipur, at present employed as Casual Computer Operator in the office of ITO Ward -1 (1), 6, New Fatehpura, Udaipur.
3. Prashant Singh Ranawat S/o Mahipal Singh Ranawat, aged about 30 years, R/o 29, Anand Vihar, Near Secondary School, DPS School Road, Sobhagpura, Udaipur, at present employed as Casual Computer Operator in the office of Addl. CIT, Range-2, Udaipur.
4. Rekha Gehlot D/o Chotu Lal, aged about 36 years, R/o H.M. Sec.5, Banjara Basti, Udaipur, at present employed as Casual Sweeper, in the office of JCIT, Central, Udaipur.
5. Rugesh Dangi S/o Shri Nathu Dangi, aged about 25 years, R/o Village Thor, Th. Girwa, Udaipur, at present employed as Causal Peon, in the office of CIT (A), 16, Mumal Tower, Udaipur.

OA No.535/2011

1. Teji Lal Meena S/o Shri Dungar Lal ji, aged about 19 years, R/o Village Karnpuria, Kuwaria, Sarada, Udaipur, at present employed as Casual Coo, in the office of Guest House, IT Guest House, H.M. Sector-11, Udaipur.
2. Tilkesh Soni S/o Shri Prahlad Soni, aged about 24 years, R/o 342 Lapada, Sunero Ka Mohalla, Chittorgarh, at present employed as Casual Computer Operator, in the office of Guest House, ITO ward-2, Chittorgarh.
3. Yashwant Purohit S/o Shri Shyam Lal Purohit, aged about 27 years, R/o Brahmpuri Mohalla, Bansi, Chittorgarh, at present employed as Casual Computer Operator, in the office of Guest House, ITO, Ward-1 Chittorgarh.
4. Niranjan Nath S/o Shri Dungar Nath, aged about 30 years, R/o C.O. Gumaniyawala Aap Kari Aaukt Bhawan, Panchwati, Udaipur, at present employed as Causal Peon, in the office of Guest House, CIT< 16 Mumal Tower, Udaipur.
5. Dinesh Harijan S/o shri Gamera Ji Harijan, aged about 40 years, R/o Kachi Basti, Gandhi Nagar, Harijan Basti, Udaipur, at present employed as Casual Sweeper in the office of Guest House, IT Guest House, H.M. Sector-11, Udaipur.
6. Kishan Lal Dangi S/o Shri Uday Lal Dangi, aged about 25 years, R/o village Manpura, Lakhawali, Udaipur, at present employed as Casual Chowkidar in Income Tax Office, 6, New Fatehpura, Udaipur.

OA No.536/2011

1. Ravi Shankar Bagoria S/o Late Shri Dagla Ram Bagoria, aged about 30 years, R/o Ram Singhji Ki Bari, Sector-11, House No.5G 14, Udaipur, at present employed as Casual Peon, in the office JCIT (TDS), Udaipur.
2. Sashi Kala Gari D/o Babu Garu, aged about 44 years, R/o 68 Ward No.49, Takahar Colony, Udaipur, at present employed as Casual Sweeper, in the office of ITO TRO, 13, B Saheli Marg.
3. Vishram Bariwa S/o Shri Ram Sahji, aged about 36 years, R/o Near Income Tax Office, Jain Marvle Ki Gali, Kavakheda, Bhilwara, at present employed as Casual Waterman/Peon, in the office of Income Tax Officer (DDO), Bhilwara Range, Bhilwara.
4. Bajrangi Yadav S/o shri Ram Doodria, aged about 29 years, R/o Near Jagannath Mandir Kavakheda, Bhilwara, at present employed as Casual Waterman/Peon, in the office of Income Tax Officer (DD), Bhilwara Range, Bhilwara.

5. Mahendra Singh Rathore S/o Shri Raghuvir Singh Rathore, aged about 24 years, R/o House No.308, Ward No.7, Jawahar Nagar, Bhilwara, at present employed as Casual Waterman/Peon, in the office of Income Tax Officer (DDO), Bhilwara Range, Bhilwara.

OA No.537/2011

1. Sohan Lal Dangi S/o Shri Nathu Lal Dangi, aged about 24 years, R/o 618, Gali No.2, Kailash Colony, Machlla Magra, Hiran Magri, Sector-11, Udaipur, at present employed as Casual Peon, in the office of CCIT, Udaipur.
2. Sonali Patwa D/o Sri Ashok Kumar Patwa, aged about 29 years, R/o 95, Patwa Street, Jagdish Chowk, Udaipur, at present employed as Casual Computer Operator in the office of ACIT Circle-1, 6, New Fatehpura, Udaipur.
3. Sonu Chouhan S/o shri Girdhari Lal Ji, aged about 25 years, R/o 54 Gandhi Nagar, Harijan Basti, Udaipur, at present employed as Casual Sweeper, in the office of C.I.T, 16 Mumal Tower, Udaipur.
4. Vardi Chand Dangi S/o Shri Jagannath Dangi, aged about 38 years, R/o Dangiyon Ka Guda, Thesil Girwa, Udaipur, at present employed as Casual Chowkidar, ITO TRO, 13-B, Saheli Marg, Udaipur.
5. Varsha Mehta D/o Shri Statish Chandra Mehta, aged about 29 years, R/o 1338, Adarsh Nagar, Sec.-4, Udaipur, at present employed as Casual Computer Operator in the office of ITO Ward-1 (4), 6, New Fatehpura, Udaipur.

OA No.538/2011

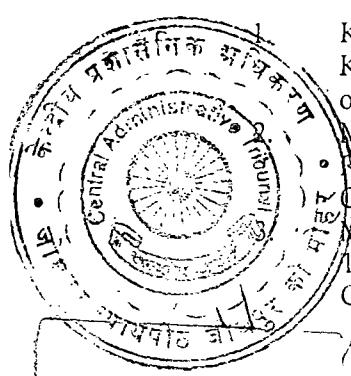
1. Jai Singh Sarangdevot S/o shri Nirbhay Singh Sarangdevot, aged about 29 years, R/o Brahmpuri, Kanod, Udaipur, at present employed as Casual Computer Operator in the office of ITO Ward-1(1),6, New Fatehpura, Udaipur.
2. Jaswant Singh S/o Shri Arjun Singh, aged about 32 years, R/o Rasala Chowk Nathdwara, Rajsamand, at present employed as Casual Computer Operator in the office of CCIT, 6, New Fatehpura, Udaipur.
3. Karlesh Kumawat S/o shri Ashok Ji Kumawat, aged about 33 years, R/o 2 TA 41, Hiran Magri Sec.5, Udaipur, at present employed as Casual Peon in the office of CIT, 16 Mumal Tower, Udaipur.
4. Kanhiya Lal Dangi S/o shri Hakma Ji Dangi, aged about 35 years, R/o village Bhawarasiya, PO Daroli Udaipur, at present employed as Casual Peon in the office of CCIT, 6, New Fatehpura, Udaipur.
5. Kishore Kumar Yadav S/o Shri Bhairu Lal Yadav, aged about 41 years, R/o 719, Krishanpura, Near Ganesh Takri, Udaipur, at present employed as Casual Driver in the office of CIT (A), 16, Mumal Tower, Udaipur.

OA No.539/2011

Kuldeep Singh S/o Shri Hari Singh Chauhan, aged about 35 years, R/o 31, Krishanpura, Gali No.1, Udaipur at present employed as Casual Peon, in the office of TRO, Udaipur, Newfatehpura, Udaipur.

Mahesh Chandra Kulambi S/o Ram Chandra Kulambi, aged about 30 years, R/o 47, Meera Nagar, New Rampura Colony, Udaipur, at present employed as Casual Computer Operator in the office of AO (DDO), Udaipur.

Mahe^s Nagda S/o Shri Bhanwar La^m Nagda, aged about 30 years R/o 174, Takeⁱ, Hompura, Ganesh Tractor K^e Pass, Udaipur, at present employed as Casual Computer Operator in the office of ACIT, Circle-2, Udaipur.



4. Manish Sanadhyा S/o shri Shivprakash Sanadhyा, aged about 28 years, R/o 44, Kailash Marg Jagdish Chowk, Udaipur, at present employed as Casual Computer Operator in the office of ITO Ward-Dungarpur, 6, Newfatehpura, Udaipur.
5. Manisha Sharma S/o Shri Pushkar Lal Sharma, aged about 33 years, R/o 258, Ganesh Nagar, Pahada Udaipur, at present employed as Casual Computer Operator in the office of CIT (A), 15, Mumal Tower, Udaipur.

OA No.540/2011

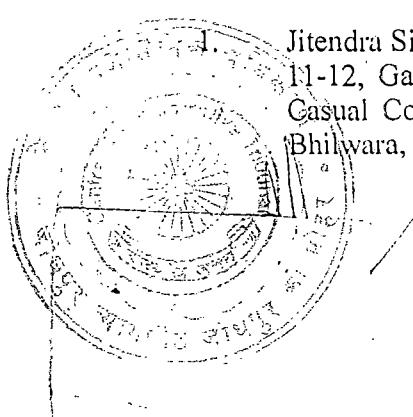
1. Rajesh Rathod (Sunil) S/o shri Bhawar Singh Rathod, aged about 41 years, R/o 71, Yadav Colony, Ambamata, Udaipur, at present employed as Casual Peon, in the office of Guest House, Addl. CIT, R-2, 6, New Fatehpura, Udaipur.
2. Rajmal mali S/o shri Nagji Mali, aged about 34 years, R/o Sichai Nagar, Kherwara, Chittorgarh, at present employed as Casual Peon, in the office of Guest House, JCIT.
3. Smt. Geeta Bai D/o shri Kalyan Lal Ji, aged about 40 years, R/o 20, Panchwati nagar Palika Colony, Chittorgarh, at present employed as Casual Sweeper, in the office of Guest House, ITO, Chittorgarh.
4. Sohan Lal Meena S/o shri Ram Lal Meena, aged about 32 years, R/o 155, Nela Girwa, Udaipur, at present employed as Casual Cook, in the office of Guest House, IT Guest House, H.M. Sector-11, Udaipur.
5. Sunil Sukhwal S/o Shri Rajkumar Sukhwal aged about 24 years, R/o 350, Krishna Pura Udaipur, at present employed as Casual Peon, in the office of Guest House, ITO Ward-2(2), 6, New Fatehpura, Udaipur.

OA No.541/2011

1. Ambalal Gameti S/o shri Laluram Gameti, aged about 31 years, R/o 109 Kishan Poul Salvi Colony, Udaipur, at present employed as Casual Cook, in the office of IT Guest House, H.M. Sector-11, Udaipur.
2. Deepak Dangi S/o Shri Nathu Lal Dangi, R/o 21 Khatikwada, Bedla, Udaipur at present employed as Casual Peon, in the office of Guest House, ITO Ward-1(1), 6, New Fatehpura, Udaipur.
3. Dharmendra Kumawat S/o shri Om Kumawat, aged about 33 years, R/o 3 Nagar Parisad Colon, O/s Braham Pol, Udaipur, at present employed as Casual Computer Operator, in the office of Guest House, CCIT, 6, New Fatehpura, Uaipur.
4. Gopal Dangi S/o shri Ganesh Lal Dangi, aged about 21 years, R/o Lakadwas, Mota Devra, Udaipur, at present employed as Casual Peon, in the office of Guest House, ACIT, C-1, 6 New Fatehpura, Udaipur.
5. Jumme Khan Pathan S/o shri Akbar Khan Pathan, aged about 31 years, R/o village Bathera Ki Saray, Droli, Udaipur, at present employed as Casual Computer Operator, in the office of Guest House, CCIT, 6 New Fatehpura, Udaipur.

OA No. 523/2011.

1. Jitendra Singh Rajput S/o Shri Ratan Singh Rajput aged about 33 years resident of 11-12, Ganesh Mandir Road, Gandhi Nagar, Bhilwara, at present employed as Casual Computer Operator, in the Office of Income Tax Officer, Ward No. 4, Bhilwara, Range Bhilwara.



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2. Jitander Sharma S/o Shri Rameshwar Lal Sharma aged about 23 years, resident of Vijay Singh Pathik Nagar, Bhilwara at present employed as Casual Computer Operator, in the Office of Income Tax Officer, Ward No.2, Bhilwara Range Bhilwara.
3. Ratan Lal Sen S/o Shri Gopal Lal Sen aged about 32 years, Resident of 17, Kawa Khera, Bhilwara at present employed as Casual Computer Operator, in the Office of Deputy Commissioner of Income Tax, Circle, Bhilwara Range Bhilwara.
4. Vishal Kumar Modi S/o Shri Jhamak Lal Modi aged about 28 years Resident of C-239, R.K. Colony, Bhilwara at present employed as Casual Computer Operator in the Office of Income Tax Officer, Ward No. 3, Bhilwara Range, Bhilwara.
5. Abdul Qadir S/o Shri Abdul Muqeemi Quazi aged about 24 years, Resident of In Front of Idgah, Sanganeri Gate, Bhilwara, at present employed as Casual Computer Operator in the Office of Joint Commissioner of Income Tax, Bhilwara Range, Bhilwara.

OA No. 524/2011

1. Rajkumar Mali S/o Shri Rameshwar Lal Mali aged about 23 years, Resident of Shahpura Road, Sanganer, Bhilwara at present employed as Casual Computer Operator, in the Office of Income Tax Officer, Ward - 1, Bhilwara Range Bhilwara.
2. Bharat Kumar Modi S/o Shri Mohan Lal Modi aged about 28 years, resident of C-239, R.K. Colony, Bhilwara at present employed as Casual Computer Operator in the Office of Income Tax Officer, Ward 4, Bhilwara Range Bhilwara.
3. Gaurav Chouhan S/o Shri Ram Prasad Chouhan aged about 21 years Resident of H 466, Kirti Nagar, Shastri Nagar Extention, Bhilwara at present employed as Casual Computer Operator in the Office of Income Tax Officer, Ward No. 2, Bhilwara Range Bhilwara.
4. Pushpkant Sharma S/o Shri Nanu Ram Sharma aged about 31 years Resident of Jityan, The. Kotri, District Bhilwara at present employed as Casual Computer Operator, in the Office of Income Tax Officer, Ward 3, Bhilwara Range Bhilwara.

OA No. 77/2012

Ram Sagar Meena son of Shri Sukhpal Meena,
Resident of House No.71, Ward No.27, Near LIC, Kila Road,
Chittorgarh at present employed on the post of Casual
Peon in the office of Income Tax Officer (DDO)
Chittorgarh.

(By Advocate Mr.J.K Mishra in all the above cases)

vs.

- 1, Union of India through Secretary, Central Board of Direct Taxes, Ministry of Finance, Government of India, North Block, New Delhi.
- 2, The Principal Chief Controller of Accounts (Pr.CCA), Central Board of Direct Taxes, New Delhi.
- 3, Chief Commissioner of Income Tax (CCA), C.R. Building, Statute Circle, B.D. Road, Jaipur.

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4. The Secretary to Govt. of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, North Block, New Delhi-110 001.
5. Chief Commissioner of Income Tax, 6, New Fatehpura, Udaipur.

: Respondents

(By Advocate Mr. Varun Gupta for R 1 to 3 & 5
& Advocate Vinit Mathur ASGI with Arunkur Mathur for R.4)

OA No.542/2011

1. Devilal S/o shri Dala Ram, aged about 25 years, R/o village & Post Moongra, Via Balotra, Tehsil Pachapadara, District Barmer, at present employed as Casual Computer Operator in the office eof Income Tax Officer Ward, Balotra District Barmer.
2. Poonam Chand S/o Shri Hari Bhajan, aged about 26 years, R/o C-7, Ram Bag Kaga Colony Mahamandir, In the office of Chief Commissioner of Income Tax, Jodhpur.
3. Ashok Kumar Sharma S/o Shri Farmanand Sharma, aged about 36 years, R/o Behind Mandore Krishi Mandi, Maderana Colony, Near Shishu Niketan School, Jodhpur, at present employed as Casual Computer Operator, in the office of Chief Commissioner of Income Tax, Jodhpur.
4. Barma Meena S/o shri Balal Meena, aged about 22 years, R/o 23 Laxmi Nagar, Paota, C Road, Jodhpur at present employed as Casual Peon, in the office of Chief Commissioner of Income Tax, Jodhpur.

OA No. 560/2011

1. Gaurav Sharma S/o Shri HariShankar Sharma, R/o House No.474, Ward No.9, Bhatta Colony, Hanumangarh-335512 at repent employed as causal Data Entry Operator in the Income Tax Office Harumangarh Jn.
2. Manish Sharma S/o Shri Ram Pratap Sharma, R/o House No.185, Ward No.11, Bhatta Colony, Hanumangarh-335512 at repent employed as causal Data Entry Operator in the Income Tax Office Harumangarh Jn.
3. Bhanwar Lal Mund S/o Shri Girdhari Lal Mund, R/o ward No.6, Sector No.12-L, Purani Kunja, Near Children Park, Hanumangarh-335512 Hanumangarh- 335512 at repent employed as causal Data Entry Operator in the Income Tax Office Harumangarh Jn

OA No. 498/2011

1. Sanjay Kumar Kumar S/o Shri Harish Kumar, aged about 25 years, resident of Near Sarjawa Gate, Kumaharwada, Sirohi, at present employed as Casual Computer Operator in the Office of Income Tax Officer, Sirohi.
2. Sarwan Kumar S/o Shri Charan Das aged about 27 years, resident of Keshar Bag, Harijan Basti, Behind Central Jail, Ratanada, Jodhpur, at present employed as Casual Safaiwala, in the office of Income Tax under PRO CCIT, Jodhpur.
3. Dinesh Teji S/o Shri Ramesh Teji, aged about 30 years resident of House No. 104, Bombay Motor Choraha Road, Near Bendra Acupuncture, Jodhpur, at present employed as Casual Peon in the Office of Income Tax, CIT (A), Jodhpur.
4. Suresh Kumar S/o Shri Ramesh Kumar aged about 28 years, resident of Gudria Jay, Pilkani Nari, Sumerpur, District Pali, at present employed as Casual Computer Operator, in the office of Income Tax Officer, Sumerpur, District Pali.

5. Hari Singh S/o Shri Jai Singh aged about 40 years, resident of Vill. Kumtia, Tehsil Bali, District Pali, at present employed as Casual Chowkidar in the office of Income Tax Officer, Mount Abu, District Sirohi.

OA No. 499/2011

1. Rajendra Gurjar S/o Shri Kishan Lal Gurjar aged about 39 years, resident of H.No. 173, Sardarpura 1st C Road, Jodhpur, at present employed as Casual Peon in the Office of Income Tax Joint CIT, Jodhpur.
2. Hansraj S/o Shri Tulsi Ram aged about 21 years, resident of Kalal Colony, Jodhpur at present employed as Casual Chowkidar in the Office of Income Tax, CCIT, Jodhpur.
3. Gautam Samariya S/o Shri Mohan Lal Samariya, aged about 34 years, resident of Gali No. 11, Kalal Colony, Jodhpur, at present employed as Casual Peon in the Office of Income Tax, CIT I, Jodhpur.
4. Narendra Singh S/o Shri Kishore Singh aged about 21 years resident of Gali No. 2, Ganeshpura, Ratanada, Jodhpur, at present employed as Casual Peon in the Office of Income Tax ITO (System), Jodhpur.
5. Vikram Singh S/o Shri Bal Kishan Singh aged about 31 years, resident of B-76, Arvind Nagar, Air Force, Jodhpur, at present employed as Casual Peon in the office of Income Tax, CIT – 1, Jodhpur.

OA No. 500/2011

1. Hari Ram Meena S/o Shri Badri Prasad Meena, aged about 26 years, resident of C/o Rajendra Kumar Mahavar, Prithvipura, Rasala Road, Jodhpur, at present employed as Casual Peon in the Office of Income Tax, Ward – 1(3), Jodhpur.
2. Shailendra Shankhla S/o Shri Surendra Singh Shankhla aged about 26 years, resident of Manak Chowk, Jodhpur, at present employed as Casual Peon in the Office of Income Tax Ward 2 (2), Jodhpur.
3. Alok Vyas S/o Shri Jagdish Narayan, aged about 26 years, resident of Sector – 7E, 39 Kudi Bhagtasani H.B. Jodhpur, at present employed as Casual Peon in the Office of Income Tax, Valuation Officer, Jodhpur.
4. Gulab S/o Shri Hari Bhajan aged about 33 years, resident of Ram Mohalla, Kaga Colony, Jodhpur, at present employed as Casual Computer Operator in the Office of Income Tax Ward 3 (3), Jodhpur.
5. Amit Pandit S/o Shri Hari Das aged about 28 years, resident of Udaipur, Tilak Nagar, Jodhpur at present employed as Casual Peon in the Office of Income Tax Officer (Audit), Jodhpur.

OA No. 501/2011

1. Lal Chand Nath S/o Shri Laxman Nath aged about 31 years, resident of 44-B, Adarsh Nagar, Pali, at present employed as Casual Computer Operator, in the Office of Income Tax, Joint CIT, Pali.
2. Amar Singh S/o Shri Ram Karan Singh aged about 26 years, resident of House No. 346, Subhash Nagar A, Pali, at present employed as Casual Waterman / Peon in the Office of Income Tax, Joint CIT, Pali.

3. Ishwar Sharma S/o Shri Parshram Sharma, aged about 26 years, resident of House No. 52, Rajendra Nagar, Near Mahila Police Thana, Pali, at present employed as Casual Waterman / Peon in the Office of Income Tax, Joint CIT, Pali.
4. Sharwan Kumar Bhati S/o Late Shri Binja Ram aged about 34 years, resident of Vill. and PO Barsa Via Marwar Junction District Pali, at present employed as Casual Waterman / Peon in the Office of Income Tax, Joint CIT, Pali.
5. Lalit Kumar S/o Shri Bhanwar Lal aged about 25 years, resident of Vill. and Post Indra Colony, Raiko Ki Dhani, Khinwara, Via Marwar Junction, District Pali, at present employed as Casual Computer Operator, in the office of Income Tax, Joint CIT, Pali.

OA No. 502/2011

1. Lalit Gehlot S/o Late Shri Mangi Lal aged about 27 years, resident of Vill. and Post Dhamli, Via Marwar Junction, Pali, at present employed as Casual Waterman / Peon, in the Office of Income Tax, Joint CIT, Pali.
2. Tulsi Ram Jod S/o Shri Khema Ram aged about 32 years, resident of 352, Subhash Nagar – A, Pali, at present employed as Casual Sweeper / Safaiwala, in the office of Income Tax, Joint CIT, Pali.
3. Sharwan Vyas S/o Shri Ganpat Lal aged about 29 years, resident of 5, Sunder Nagar, Behind Bangad College, Pali, at present employed as Casual Computer Operator in the Office of Income Tax, Joint CIT, Pali.
4. Smt. Bhanwari Devi Wife of Late Shri Tara Nath, aged about 37 years, resident of C/o Income Tax Office, Nagaur, at present employed as Casual Peon in the Office of Income Tax Officer, Nagaur.
5. Kailash Kumar Chawariya S/o Shri Prem Ram aged about 36 years, resident of Behind Ganesh Talkies, Sumerpur, District Patl, employed as Casual Peon / Safaiwala, in the Office of Income Tax, Joint CIT, Pali.
6. Dinesh Vaishnav S/o Shri Hari Ram Vaishnav, aged about 22 years, resident of Railway Station, Mokhalsar, District Jalore, at present employed as Casual Computer Operator in the Office of Income Tax Officer, Jalore.

OA No. 511/2011

1. Vinod Godara S/o Shri Sahab Ram aged about 29 years, Resident of Ward No. 13, Adarsh Takeej Road, Purani Abadi, Sriganganagar, at present employed as Casual Computer Operator, in the Office of Income Tax ACIT, Circle Sriganganagar.
2. Ramesh Soni S/o Shri Balram Soni aged about 23 years, resident of Ashok Nagar – B, New Child School, Sriganganagar, at present employed as Casual Computer Operator in the office of Income Tax JCIT, Range Sriganganagar.
3. Randhir Kumar S/o Shri Lal Chand aged about 25 years, resident of Village 36 LNP, Tehsil Padampur, Sriganganagar, at present employed as Casual Computer Operator, in the office of Income Tax, ITO Ward No. 2, Sriganganagar.

Subhash Chander S/o Shri Bhanwari Lal, aged about 29 years, resident of Ward No. 11, Behind Sukhwant Cinema, Purani Abadi, Sriganganagar, at present



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employed as Casual Waterman / Peon, in the office of Income Tax, Sriganganagar.

5. Sohan Singh S/o Shri Raj Kumar Saini, aged about 24 years, resident of C/o 55-56, Ward No. 2, Bharat Nagar, Purani Abadi, Sriganganagar; at present employed as Casual Waterman / Peon, in the office of Income Tax, Sriganganagar.

OA No. 512/2011

1. Mohd. Irfan S/o Shri Mohd. Gulfam aged about 25 years, resident of Ada Bazar, Mochhio Ki Ghati, Niwar Gharo Ka Muhalla, Jodhpur, at present employed as Casual Peon in the office of Income Tax, CTIT, Jodhpur.
2. Vikram S/o Shri Manohar Lal aged about 27 years, resident of Quarter No. C-36/11, Reserve Police Line, Ratanada, Jodhpur at present employed as Casual Peon, in the office of Income Tax, CCIT Hqrs., Jodhpur.
3. Rattan Lal S/o Late Shri Gyarsa Lal aged about 48 years, resident of Plot No. 68, Indra Colony, Near Sati Mata Mandir, Jodhpur, at present employed as Casual Safaiwala / Sweeper in the Office of Income Tax, PRO, CCIT, Jodhpur.
4. Kishore S/o Shri Puran Das Dhariwal, aged about 29 years, resident of Inside Jalori Gate, Harijan Basti, Madho Bag, Jodhpur, at present employed as Casual Safaiwala / Sweeper in the Office of Income Tax Officer.

OA No. 517/2011

1. Vimal Kumar Swami S/o Shri Niranjan Lal Swami aged 33 years, Resident of C/o Shashi STD PCO, Tilak Nagar, Bikaner, at present employed as Casual Data Entry Operator in the Office of ITO, Ward 2(2), Bikaner.
2. Krishan Kumar Kansara S/o Shri Manohar Lal Kansara, aged about 25 years, Resident of Golchha Mohalla, Bikaner, at present employed as Casual Data Entry Operator in the Office of JCIT, Range - 1, Bikaner.
3. Madhuri Sarswat D/o Shri Kamal Kishore Saraswat aged about 22 years, resident of Panchmukha Road, Behind Kalimata Mandir, Rani Bazar, Bikaner, at present employed as Casual Data Entry Operator in the Office of ITO (TDS) Bikaner.
4. Shravan Kumar Shankhla S/o Shri Magha Ram Shankhla aged about 22 years, resident of Ward No. 19, Shriramsar, Bikaner, at present employed as Casual Data Entry Operator in the Office of ITO, Ward 2(1), Bikaner.
5. Mahendra Singh Parihar S/o Shri Gulab Singh Parihar, aged about 28 years, Shri Karni Sewa Sansthan, FCI Godam Road, Indira Colony, Bikaner, at present employed as Casual Waterman in the Office of JCIT, Range - 1, Bikaner.
6. Ravindra Kumar S/o Shri Bhanwar Lal aged about 25 years, Resident of 169-B, Sadul Ganj, Bikaner, at present employed as Casual Waterman in the Office of CIT, Bikaner.



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OA No. 518/2011

1. Sharwan Kumar Meghwal S/o Shri Gebi Ram Meghwal aged about 36 years, resident of Ward No. 19, Meghwal Mohalla, Shriramsar, Bikaner, at present employed as Casual Waterman in the Office of ITO (Tech.), Bikaner.
2. Hari Prakash Suthar S/o Shri Kishan Lal Suthar aged about 31 years, resident of Near B.D. Kalla House, Daga Mohalla, Bikaner, at present employed as Casual Data Entry Operator in the Office of ITO, Ward 1 (2), Bikaner.
3. Rajesh Kumar Jhungh S/o Shri Champa Lal Jhungh, aged about 26 years, resident of Opp. Nagar Nigam Bhandar, Kamla Colony, Bikaner, at present employed as Casual Sweeper, in the office of JCIT, Range-1, Bikaner.
4. Mahender Kumar Ramawat S/o Shri Gopal Das Ramawat aged 29 years, resident of Behind OBC Bank, Chhippon Ka Mohalla, G.S.Road, Bikaner 334001, at present employed as Casual Data Entry Operator in the Office of ITO, Ward 1 (4), Bikaner.
5. Praveen Sharma S/o Shri Charanjeet aged 29 years, resident of Ward No. 8, Near Shiv Mandir, Kashmiri Mohalla, Jetsar, District Sriganganadgar, at present employed as Casual Data Entry Operator in the Office of ITO, Suratgarh.
6. Sukhvinder Singh S/o Shri Gurmej Singh aged 29 years, resident of House No. 145, Jakhad Colony, Near Agrasen Nagar, Sriganganagar, at present employed as Casual Waterman in the Office of ITO, Suratgarh.

OA No. 519/2011

1. Kamal Kishore Swami S/o Shri Hanuman Das Swami aged about 26 years, resident of Outside Usta Bari, Near Harsholav Talab, Chhota Ranisar Bass, Bikaner – 334001, at present employed as Casual Data Entry Operator in the Office of CIT (A), Bikaner.
2. Shiv Kumar Swami S/o Shri Hanuman Das Swami aged about 32 years, resident of Outside Usta Bari, Near Harsholav Talab, Chhota Ranisar Bass, Bikaner 334 001, at present employed as Casual Data Entry Operator in the office of ITO, Ward 1 (3), Bikaner.
3. Jitendra Jhungh S/o Shri Champa Lal Jhungh, aged about 33 years, resident of Opp. Nagar Nigam Bhandar, Kamla Colony, Bikaner, at present employed as Casual Sweeper in the Office of CIT, Bikaner.
4. Ram Swaroop Meena S/o Shri Mohan Lal Meena, aged about 36 years, resident of Village Bamrda, Mukam Devli Ki Dhani, Post Chokdi, IVia Chala, Tehsil Srimadhopur, Sikar 332 737, at present employed as Casual Waterman in the Office of JCIT, Range – 1, Bikaner.
5. Nirmal Kumar Kheriwal S/o Shri Surja Ram Khedriwal, aged about 37 years, resident of 33, Chankaya Nagar, Old Shiv Bari Road, Bikaner 334 003, at present employed as Casual Data Entry Operator in the Office of ITO (Tech.), Bikaner.
6. Raj Kumar Barupal S/o Shri Dala Ram Barupal, aged 37 years, resident of Ward No. 19, Meghwal Mohalla, Shriramsar, Bikaner, at present employed as Casual Waterman in the Office of ACIT, Circle – 1, Bikaner.

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OA No. 16/2012

Yashwant Kumar Rawal S/o Shri Bhanwar Lal Rawal, Resident of Village Sarneshwarji, Post Office Mandwa, Dist. Sirohi, at present employed on the Post of Casual Chowkidar in the office of Income Tax Office, Mount, Abu, Dist. Sirohi.

OA No. 482/2011

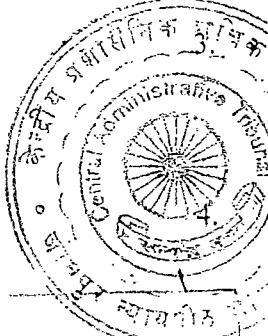
1. Tabish Anwar son of Shri Anwar Hussain, Resident of 164, Mohan Nagar-A, BJS Colony Jodhpur at present employed as Casual Computer Operator in the office of JCIT-I, Jodhpur.
2. Jagdish Singh Rathore son of Shri Mangu Singh, Resident of Near Kalka Mandir, Maderna Colony, Jodhpur at present employed as Casual Computer Operator, in the office of Income Tax Ward-1 (1), Jodhpur.
3. Rajendra Kumar Parihar son of Shri Om Prakash Parihar, Resident of Indra Colony, Mahamandir Jodhpur At present employed as Casual Computer Operator, In the office of Income Tax Ward-I(2) Jodhpur.
4. Kanhaiya Lal Son of Shri Basti Ram, Resident of Gali No.1, Gandhipura, BJS, Jodhpur At present employed as casual Computer Operator in the office Of Income Tax Ward-I(3), Jodhpur.
5. Vipul Tandan son of Shri Krishan Kumar Tandon, Resident of 25/E-29, CHB Jodhpur at present Employed as Casual Computer Operator In the office of Income Tax Ward-I(3) Jodhpur.

O A No. 483/2011

1. Ramesli son of Shri Gopi Lal, Resident of Gandhi Chowk, Sardar Patel Marg, Jalore at present employed as Casual Computer Operator in the office of Income Tax Officer, Jalore.
2. Raju Ram Mali son of Shri Amara, resident of Behind FCI Godown, Jalore at present employed As Casual Chowkidar in the office of Income Tax Officer, Jalore.

Narpat Lal Parihar son of Shri Chhogi Ram, Resident of Indra Colony, Kalapura Shivganj Dist. Sirohi at present employed as Casual Chowkidar in the office of Income Tax Officer, Sirohi.

Hitesh Chandra son of Shri Magan Lal, Resident of Near New Bus Stand, Gali No.2, Sirohi, at present employed as Casual Waterman in the office of Income Tax Officer, Sirohi.



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5. Smt. Lalita wife of Shri Himamt Kumar, resident of Near Old Police Line, Jhupdi Road, Sirohi at present employed as Casual Safai Karmachari in the office of Income Tax Officer, Sirohi.

OA No. 484/2011

1. Jitendra Kachawaha son of Shri Mishri Lal Resident of Near Raj Mahal Middle School, Ajay Chowk, Jodhpur at present employed as Casual Computer Operator in the Income Tax Office, Circle I, Jodhpur.
2. Deep Singh son of Shri Bhanwar Ssingh, Resident of Mata Ji Ka Gole Mandir, Maderna Colony, Jodhpur at present employed as Casual Computer Operator in the office of Income Tax, Ward-2(2) Jodhpur.
3. Ugam Singh son of Shri Chandra Singh, resident of Near Kalka Mandir, Maderna Colony, Jodhpur at Present employed as Casual Computer Operator in the office of Income Tax Officer (Tech), Jodhpur.
4. Kushal Singh son of Shri Bhanwar Singh, Resident of Mata Ji Ka Gole Mandir, Maderna Colony, Jodhpur, at present employed as casual Computer Operator in the office of Income Tax Officer (Audit) Jodhpur.
5. Daulat son of Shri Suraj, resident of Opp. Mahamandir Railway Station, Ram Bag Scheme, Jodhpur at present employed as Casual Peon in the office of Income Tax Ward-I(1) Jodhpur.

OA No. 485/2011

1. Praveen Singh son of Shri Madan Singh Resident of I/S Hem Singh Katala, Mahamandir Jodhpur at present employed as Casual Peon in the office Of Income Tax, CCIT, Jodhpur.
2. Mahendra Singh son of Shri Amar Singh, Resident of Abaynagar, H.No.95-A, Niyatavera, Mangra Pungra, Jodhpur at present employed as Casual Chowkidar in the office of Income Tax, CCIT, Jodhpur.
3. Suresh Kumar son of Shri Kishan Chand Samariya, Resident of Kalal Colony, Gali No.9 Inside Nagauri Gate Kila Road, Jodhpur at present employed on the post of Casual Chowkidar in Guest House, CCIT Office, Jodhpur.
4. Satveer Son of Shri Bhanwar Lal, resident of Plot No.8, Near Central Jail, Keshar Bag, Ratanada Jodhpur at present employed on the post of Casual Chowkidar in Guest House, CCIT Office, Jodhpur.



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OA No. 464/2011

1. Arun Kumar son of Shri Hansraj resident of H.No.55, Prithvipura, Rasala Road, Jodhpur at present employed On the post of Peon, in Income Tax Office, Paota C Road, Jodhpur.
2. Santosh Kuamr son of Shri Tara Chand Chandel Resident of Gali No.04, Kalal Colony, Nagauri Gate, Jodhpur at present employed on the post of Peon in come Tax Office, Paota C Road, Jodhpur.
3. Raju son of late Shri Bhanwar Lal, resident of H.No.29 Shankar Nagar,Sangariya Fants, Jodhpur at present employed on the post of Peon in-Income Tax Office, Paota C Road, Jodhpur.
4. Mahendra Gurger son of Shri Kishan Lal Lal Resident of Pto No.173, 1st C Road, Paota Jodhpur Income Tax Colony at present employed on the post of Peon in Income Tax Office, Paota C Road, Jodhpur.
5. Chandra Prakash son of Shri Dev Das Rankawat Resident of Near Gokul Niwas, Umed Chowk, Jodhpur at present employed on the post of Peon in Income Tax Office, Paota C Road, Jodhpur
6. Deepa Ram son of Shri Raju Ram, resident Of near Income Tax Department, Balotra, Distt. Barmer at present employed on the Post of Peon/Computer Works in the Office of Income Tax Officer, Balotra Distt.Barmer.

OA No. 465/2011

1. Gopal Lal Prajapt, son of Shri Kana Ram, Resident of Om Colony, Gangwa Road, Makrana, Dist.Nagaur at present employed As Casual Computer Operator in the office Of Income Tax Officer (DDO), Makarana, Distt.Nagaur.
2. Anandi Lal Saini sons of Shri Hardeen Ram, Resident of Near Trimurti Mandir, Jhaira Talab, Makrana, Distt. Nagaur at present employed as Casual Computer Operator in the office Of Income Tax Officer (DDO), Makarana,Distt.Nagaur.
3. Tikam Chand Sen son of Shri Gordhan Lal, Resident of Gangri Chowk, Mithri, Tehsil NawaCity, Dist. Nagaur, At present employed as Casual Peon in the office of Income Tax Officer (DDO), Makarana,Distt.Nagaur.

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4. Hukum Chand Sain son of Shri Gordhar Lal, Resident of Gangri Chowk, Mithri, Tehsil Nawa City, Dist. Nagaur at present employed as Casual Chowkidar in the office of Income Tax Officer (DDO) Makarana, Dist.Nagaur.

OA No.466/2011

1. Manoj Kumar Bora S/o Shri Magan Lal Bora, aged about 43 years, R/o Gungsa Ki Gali, Lohiyon Ka Chowk, Nagaur, at present employed as Casual Computer Operator in the office of Income Tax Officer, Nagaur.
2. Satyanayan Kansara S/o Shri Mulidhar Kansara, aged about 28 years, R/o Kansara Ka Mohulla, Opposite Jagdamba, Ayurvedic MG Road, Nagaur, at present employed as Casual Computer Operator in the office of Income Tax officer, Nagaur.
3. Nitesh Toawat S/o Shri Narendra Kumar Tolawat, aged about 26 years, R/o Tolawat Ki Pole, Machhion Ka Chowk, Nagaur, at present employed as Casual Computer Operator in the office of Income Tax Officer, Nagaur.
4. Narendra Meena S/o Shri Gokul Lal Meena, aged about 29 years, R/o village Kalandrapura, Tehsil Devli, District Tonk, at present employed as Casual Chowkidar in the office of Income Tax Officer, Nagaur.
5. Laxman Singh S/o Shri Ram Dev, aged about 25 years, R/o Kasaiwara, Nakash Gate, Nagaur at present employed as Casual Chowkidar in the office of Income Tax Officer, Nagaur.

OA No.467/2011

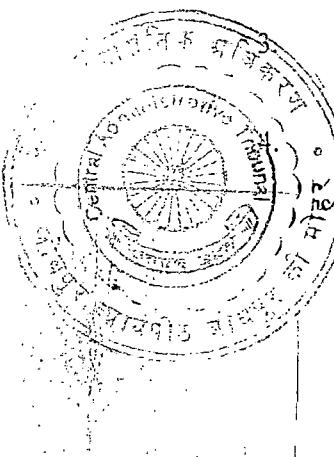
1. Chandra Prakash S/o Shri Rameshwar Lal Ramawat, ahged about 24 years, R/o Azad Chowk, Ramawat Street, Barmer, at present employed as Casual Computer Operator in the office of Income Tax Officer (DDO), Barmer.
2. Bhanwal Lal Chaudhary S/o Shri Gena Ram Chaudhary, aged about 26 years, R/o village Ramsaria, Post Baitu Bhopji District Barmer 344034, at present employed as Casual Peon in the office of Income Tax Officer (DDO), Barmer.
3. Lalit S/o shri Gauri Shankar, aged about 24 years, R/o Jaswant Ki Ghati, Batasagar, Jodhpur , at present employed as Casual Peon in the office of Income Tax Officer, Ward-II (I), CIT 1st, Jodhpur.
4. Smt. Lalita W/o Shri Ashok Kumar, aged about 36 years, R/o Kalu Khan Ki Haveli Rasala Road, Jodhpur, at present employed as Casual Peon in the office of Income Tax Officers (TDS-1) (DDO), Jodhpur.

OA No.468/2011

1. Inder Singh Chauhan S/o shri Babu Singh Chauhan, aged about 31 years, R/o Maderana Colony, Near Kalka Mata Mandir, Jodhpur At present employed as Casual Labour (Peon) in the office of ITO TDS-II, Jodhpur.
2. Pradeep Singh S/o shri Sawai Singh, R/o Sadar Bazar, Dhan Mandi, Jodhpur at present employed as Casual Labour (Peon) in the office of ITO TDS-II, Jodhpur.

Amrav Dan Charan S/o Bhanwar Dan, aged about 28 years, R/o Higlighnagar, Laxman Ghati, Soorsagar, Jodhpur at present employed as Casual Labour (Peon) in the office of ITO TDS-II, Jodhpur.

Manisha D/o Shri Bali Singh, aged about 24 years, R/o Nathu Ka Nohra, Kuban Ka Bas, Uned Chowk, Jodhpur at present employed as Casual Computer Operator in the office of Asstt. Commissioner of Income Tax – TDS-II, Jodhpur.



(By Advocate Mr. JK Mishra in all the above cases)

Versus

1. Union of India through Secretary, Central Board of Direct Taxes, Ministry of Finance, Government of India, North Block, New Delhi.
2. The Principal Chief Controller of Accounts (Pr.CCA), Central Board of Direct Taxes, New Delhi.
3. Chief Commissioner of Income Tax (CCA), C.R. Building, Statute Circle, B.D. Road, Jaipur.
4. The Secretary to Govt. of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, North Block, New Delhi-110 001.
5. Chief Commissioner of Income Tax, Paota C Road, Jodhpur-II, Jodhpur.

: Respondents.

(By Advocate Mr. Varun Gupta for R 1to 3 & 5, and Advocate Mr. Vinit Mathur, ASGI with Ankur Mathur for R.4)

OA No.386/2011

1. Anil Kumar Solanki S/o Shri Bhanwar Lal Solanki, aged about 26 years, R/o H.No.8, Baldev Nagar, Mata Ji Ka Than Road, Mangra Poonjla, Mandore, Jodhpur, at present employed on the post of Peon in the office of Commissioner of Income Tax-II, Jodhpur.
2. Deepak Parihar S/o Shri Dhanraj Parihar, aged about 23 years, R/o Maliyon Ki Dhani, Pipar Road, Jodhpur, at present employed on the post of Peon, in the office of Assistant Commissioner of Income Tax (HQ), O/o Commissioner of Income Tax-II, Jodhpur.
3. Purkh Das S/o Shri Dhan Das, aged about 32 years, R/o Village Binjwariya, Via Tinwari, Tehsil Osian, District Jodhpur, at present employed on the post of Peon, in the office of Income Tax Officer, Ward-3 (4), Jodhpur.
4. Prem Prakash Sahu S/o Shri Poona Ram Chaudhary, aged about 23 years, R/o Income Tax Colony, Mandore Road, Jodhpur, at present employed on the post of Peon, in the office of Income Tax Officer, Ward-1 (2), Jodhpur.

OA No.387/2011

1. Jaideep Solanki S/o Shri Nirmal Solanki, aged about 30 years, R/o "Mohan Villa", Opp. Gokul Niwas, Umed Chowk, Jodhpur, at present employed on the post of Computer Operator, in the office of Income Tax Officer, Ward-3(1), Jodhpur.
2. Bhawani Singh S/o Shri Kuku Singh, aged about 27 years, R/o D.S. Colony, Near Medical College, Jodhpur, at present employed on the post of Computer Operator, in the office of Commissioner of Income Tax-II, Jodhpur.
3. Mahaveer Singh Chaudhary S/o Shri Heera Lal Chaudhary, aged about 24 years, R/o Income Tax Colony, Mandore Road, Jodhpur, at present employed on the post of Computer Operator, in the office of Addl. Commissioner of Income Tax, Range-3, Jodhpur.
4. Rakesh Puri S/o Shri Govind Puri, aged about 23 years, R/o Mata Ji Ka Than, Mangra Poonjla, Mandore, Jodhpur, at present employed on the post of Computer Operator, in the office of Assistant Commissioner of Income Tax, Circle-3, Jodhpur.

Surendra Bhati S/o Shri Kishori Lak, aged about 34 years, R/o Street on Infront of Shiv Mandir, Ratanada, Jodhpur, at present employed on the post of Computer Operator, in the office of Income Tax Officer, Ward-3(2), Jodhpur.

6. Shankar Lal Parmar S/o Late Shri Mana Ram, aged about 35 years, resident of C/o Shri Arjun Singh Prajapat, P.No.8, Ram Nagar, Bhadwasiya, Jodhpur, at present employed on the post of Computer Operator, in the office of Income Tax Officer, Ward-3(4), Jodhpur.

7.
(By Advocate Mr. JK Mishra in all the cases)

Versus

1. Union of India through Secretary, Central Board of Direct Taxes, Ministry of Finance, Government of India, North Block, New Delhi.
2. The Principal Chief Controller of Accounts (Pr.CCA), Central Board of Direct Taxes, New Delhi.
3. Chief Commissioner of Income Tax (CCA), C.R. Building, Statute Circle, B.D. Road, Jaipur.
4. The Secretary to Govt. of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, North Block, New Delhi-110 001.

(By Advocate Mr. Varun Gupta for R 1to 3 and Advocate Mr. Vinit Mathur, ASGI with Ankur Mathur for R.4)

OA No. 91/2012

1. Gauri Shankar S/o Shri Kishn Lal Maru, R/o Ward No.18, Naiyon-ka-Mohulla, Napasar, Bikaner at present Employed as Casual Chowkidar, in the office Of Assistant Commissioner of Income Tax (Central), Bikaner.
2. Mohd. Umar S/o Shri Anwar Ali, R/o Telyeon-ka-Mohulla, Near School No.9, Fad Bazar, Bikaner At present employed as Casual Waterman In the office of Assistant Commissioner of Income Tax (Central), Bikaner.

(By Advocate Mr. JK Mishra)

Vs

1. Union of India through Secretary, Central Board of Direct Taxes, Ministry of Finance, Government of India, North Block, New Delhi.
2. The Principal Chief Controller of Accounts (Pr.CCA), Central Board of Direct Taxes, New Delhi.
3. Chief Commissioner of Income Tax (CCA), C.R. Building, Statute Circle, B.D. Road, Jaipur.
4. The Secretary to Govt. of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, North Block, New Delhi-110 001.
5. Assistant Commissioner of Income Tax (Central), Ayakar Bhavan, Rani Bazar, Bikaner.

(By Advocate Mr. Varun Gupta for R 1to 3 & 5 and Advocate Mr. Vinit Mathur, ASGI with Ankur Mathur for R.4)

1. Gopal Kasar S/o Shri Panna Lal Kasara,
At present employed as Casual Computer Operator
In the office of DCIT, C.C.I, Udaipur O/o the JCIT
Central Range, Udaipur.
2. Mukesh Gayri S/o Shri Vardi Chander Gayri,
At present employed as Casual Computer Operator
In the office of ACIT, CC.2 Udaipur O/o the JCIT,
Central Range, Udaipur.
3. Harish Lakshkar S/o Shri Labh Chand Lakshkar,
At present employed as casual Computer Operator
In the office of JCIT, Central Range, Udaipur.
4. Miss. Priyanka Soni D/o Shri Arunji Swarnkar,
At present employed as casual Computer Operator
In the office of JCIT, Central Range, Udaipur.
5. Moti Lal Dangi S/o Shri Puraji Dangi,
At present employed as Casual Peon in the
Office of JCIT, Central Range, Udaipur.
6. Rop Lal Dangi S/o Shri Dulaji Dangi,
At present employed as Casual Peon in the
Office of JCIT, Central Range, Udaipur.

OA No. 173/2012

1. Pushkar Lal Dangi S/o Shri Udai Lal Dangi,
At present employed as Casual Driver
In the office of DDIT, Inv.1, Udaipur
O/o the Addl. DIT, Inv.Udaipur.
2. Balu Ram Dangi S/o Shri Ram Lal Dangi,
At present employed as Casual Peon,
In the office of DDIT, Inv.2. Udaipur O/o the Addl.DIT
Inv.Udaipur.
3. Vijay Lohar S/o Kishan Lal Johar,
At present employed as Casual Peon, in the office of
the Addl.DIT, Inv. Udaipur.
4. Poonam Chand Meena S/o Shri Narayan Lal Meena
At present employed as Casual Peon,
In the office of DDIT, Inv.2. Udaipur O/o the Addl.DIT
Inv.Udaipur.
5. Smt. Sushila Bai Sonawat W/o Shyam Lal Sonawat,
At present employed as Casual Sweper,
In the office of Addl.DIT, Inv.Udaipur.

Kunlesh Verma S/o lat Shri N.L. Verma,
At present employed as Casual Computer Operator,
In the office of th DDIT, Inv.2 Udaipur O/o the Addl.DIT, Inv.Udaipur.



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7. Yashwant Joshi S/o Late Shri Mohan Lalji Joshi,
At present employed as Casual Computer Operator,
In the office of DDIS, Inv.2. Udaipur O/o the Addl.DIT
Inv.Udaipur.

(By Advocate Mr. JK Mishra in all the above cases)

Vs.

1. Union of India through Secretary, Central Board of Direct Taxes, Ministry of Finance, Government of India, North Block, New Delhi.
2. The Principal Chief Controller of Accounts (Pr.CCA), Central Board of Direct Taxes, New Delhi.
3. Chief Commissioner of Income Tax (CCA), C.R. Building, Statute Circle, B.D. Road, Jaipur.
4. The Secretary to Govt. of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, North Block, New Delhi-110 001.
5. Joint Commissioner of Income Tax (Central Range), 3rd floor, Mumal Towers, 16,Saheli Marg, Udaipur.
- 6.

(By Advocate Mr. Varun Gupta for R 1to 3 & 5.
(None for R.4)

ORDER

Per: B K Sinha, Administrative Member

These applications have been directed against the order No.F/Mo/CCIT/JPR/Addl.CIT (Hqrs) /2011-12/710 dated 31/5/2011, of the third respondent [A1] and OM No.49011/31/2008-Estt@ dated 12.9.2008 of 4th respondent [A2]. As these have the same cause of action, all the applications are disposed of by this common order.

Reliefs sought for:

"(i) That the applicants may be permitted to peruse this joint application on behalf of five applicants under Rule 4(5) of CAT Procedure Rules, 1987.

(ii) That impugned order dated 31.5.2011 (Annexure.A1) issued by 3rd respondent may be declared illegal and the same may be quashed. The respondents may be directed to make payment to the applicant @ 1/30th of the pay at the minimum of the time scale of pay of the Group D staff plus dearness allowances i.e, Rs. 292 per day as basic pay w.e.f. 17.2008 and applicants allowed with all consequential benefits including the due arrears thereof. The OM dated 12.9.2008 [Annexure.A2] may be ordered to be modified accordingly.



(iii) That any other direction or orders may be passed in favour of the applicants, which may be deemed just and proper under the facts and circumstances of this case in the interest of justice.

(iv) That the costs of this application may be awarded."

2. All these OAs have been accompanied by Rule 4(5) Application for filing the joint application. These have been allowed.

Case of the applicants

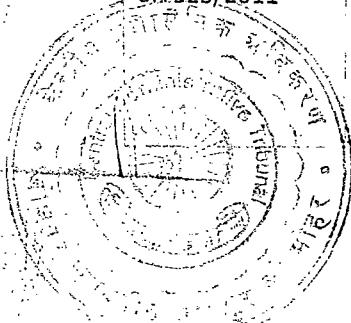
3. The case of the applicants in brief is that the applicants were initially engaged as daily wage casual workers to work as casual computer operator/peon etc. on the dates mentioned against their names in Income Tax office along with their educational qualification as per the chart below:

OA No.	Name of applicant(s)	Educational qualification	Date from working
OA 531/2011	Abdul Kadar Ajit Singh Chauhan Bhunveshwar Paneri Dinesh Jain Hira Lal Dangi	MA BA BA B.Com 7th	1.9.2004 1.4.2005 15.4.2002 12.5.2002 1.5.2007
OA 530/2011	Nagaraj Meena Narayan Lal Dangi Narbada Shankar Menariya Narendra Bhatnagar Narendra Purbia	MA 7 th 8th BA 11th	11.5.2004 2.2.2010 1.5.2003 1.7.2007 22.9.2005
OA 529/2011	Vikram Arya Ramesh Kumawat Prakash Harijan Iswar Lal Prajapat Amra Lal Meena	8 th BA 7th BA 5th	1.10.2007 2.5.2002 4.2.2002 1.8.2005 2.1.2004
OA 532/2011	Manish Rawat Manohar Singh Meena Padmesh Sharma Praveen Sandhya Pushkar Choudhary	B.Com 8 th MA BA BA	1.2.2004 24.11.2010 1.9.2007 21.10.2005 1.4.2004
IOA 533/2011	Vijay Singh Chouhan Vinod Kumar Chouhan Yogesh Meena Kishan Lal Meghwal Mukta Sharma	8 th 7th 9th 8th BA.BEd	24.11.2001 1.10.2001 10.6.2002 7.6.2005 1.10.2007



OA 534/2011	Naresh Menaria Pankaj Joshi Prashant Singh Ranawat Rekha Gehlot Rugesh Dangi	BA BA MA 4 th 8 th	1.7.2007 1.3.2007 1.10.2001 1.5.2007 1.1.2005
OA 535/2011	Teji Lal Meena Tilkesh Soni Yashwant Purohit Niranjan Nath Dinesh Harijan Kishan Lal Dangi	8 th MA BA 8 th 9 th	27.5.2011 1.7.2007 1.2.2004 13.7.2001 20.12.2004 1.7.2006
OA 536/2011	Ravi Shankar Bagoria Sashi Kala Gari Vishram Bairwa Bajrangi Yadav Mahendra Singh Rathore	BA IInd Saksar 12 th 8 th 12 th	5.12.2008 5.6.2002 2.3.2002 6/2004 12.4.2006
OA 537/2011	Sohan Lal Dangi Sonali Patwa Sonu Chouhan Vardi Chand Dangi Varsha Mehta	8 th MBA 9 th 5 th MA MBA	1.7.2007 10.1.2005 1.8.2005 5.6.2002 20.9.2004
OA 538/2011	Jai Singh Sarangdevot Jaswant Singh Kamilesh Kumawat Kanhiya Lal Dangi Kishore Kumar Yadav	BA BA IInd year BA 8 th 8 th	1.6.2002 16.6.2008 21.6.1999 5.11.1995 1.4.1995
OA 539/2011	Kuldeep Singh Mahesh Chandra Kulambi Mahesh Nagda Manish Sanadhyा Manisha Sharma	8 th BA MA BA MA	1.2.2005 1.6.2002 1.6.2002 1.3.2008 15.4.2002
OA 540/2011	Rajesh Rathod (Sunil) Rajmal Mali Smt. Geeta Bai Sohan Lal Meena Sunil Sukhwal	8 th 10 th Saksar 7 th 8 th	1.1.2001 4.4.2008 1.4.95 20.12.2004 1.12.2006
OA 541/2011	Ambalal Gameti Deepak Dangi Dharmendra Kumawat Gopal Dangi Jumme Khan Pathan	7 th 10 th Dip. Engg. 10 th 12 th	25.11.2004 17.3.2007 5.1.2004 7.7.2007 1.6.2006
OA 542/2011	Devilal Poonam Chand Ashok Kumar Sharma Barma Meena	BA, PGDCA 12 th MA B.Ed 9 th	1.7.2009 30.5.2002 19.11.2009 16.5.2011
OA 560/2011	Gaurav Sharma Manish Sharma Bhanwar Lal Mund	MA B.Sc (Maths) 8 th	Nov. 2007 Nov. 2007 Aug. 2004
OA 498/2011	Sanjay Kumar Kumar Sarwan Kumar Dinesh Teji Suresh Kumar Hari Singh	BA 5 th MA LLB BA 5 th	27.10.2006 30.4.2007 1.8.2003 1.7.2006 1.4.2004

OA 499/2011	Rajendra Gurjar Hansraj Gautam Samariya Narendra Singh	8 th 8 th 8 th 10th	14.8.57 3.3.2003 5.12.2001 1.5.2007
OA 500/2011	Shailendra Shankhala Alok Vyas Gulab Amit Pandit	MA BA BA MA	14.5.1997 18.8.2001 5.12.2001 2.7.2002
OA 501/2011	Lal Chand Nath Amar Singh Iswar Sharma Sharwan Bhati Lalit Kumar	BA 8 th 10 th 8 th BA	6.5.2002 16.10.2003 6.3.2003 13.8.2007 14.5.2008
OA 502/2011	Lalit Gehlot Tulsi Ram Sharwan Vyas Smt.Bhanwari Devi Kailash Kumar Chawariya Dinesh Vaishnav	8 th 8 th MA 8 th 12 th 10th	3.9.2001 2.5.2002 1.1.2009 17.5.2000 1.1.11995 13.4.2009
OA 511/2011	Vinod Godara Ramesh Soni Randhir Kumar Subhash Chander Sohan Singh	BA B.Com-II Yr BA MA 10th	Oct 2003 20.2.2006 14.10.2006 April 2002 16.1.2007
OA 512/2011	Mohd Ifran Vikram Ratan Lal Kishore	9 th 10th 5th 5th	25.2.2008 22.2.2008 July, 2002 July, 2002
OA 517/2011	Vimal Kumar Swami Krishan Kumar Kansara Madhuri Sarswat Shravan Kumar Shankhla Mahender Singh Parihar Ravindra Kumar	MA 12 th BA BA 8 th 8th	1.12.2005 1.1.2007 1.8.2006 1.1.2007 29.3.2007 1.1.2005
OA 518/2011	Sharwan Kumar Meghwal Hari Prakash Suthar Rajesh Kumar Jhungh Mahender Kumar Rainawat Praveen Sharma Sukhvinder Singh	8 th B.Com 5th MA BA 12 th	1.4.2002 11.12.2003 3.3.2003 3.12.2003 3.12.2003 28.11.2003
OA 519/2011	Kamal Kishore Swami Shiv Kuamr Swami Jitendra Jhungh Ram Swaroop Meena Nirmal Kumar Kheriwal Raj Kumar Barupal	B.Com BA 5 th 7 th MA BA	24.9.2001 1.5.2005 7.4.1998 10.9.2001 8.10.2001 1.4.2004
OA 523/2011	Jitendra Singh Rajput Jitender Sharma Ratan Lal Sen Vishal Kumar Modi Abdul Qadir	BA BA II,ITI M.Com BA BA-II	30.12.2010 24.8.2009 2.12.2007 25.3.2001 13.10.2008



OA 524/2011	Raj Kumar Mali	B.Com(U/S)	24.8.2009
	Bharat Kumar Modi	Dip.in Inf.Tech	21.9.2010
OA 16/2012	Gaurav Chouhan	BSC IT	14.3 2011
	Pushpkant Sharma	Hr.Sc.	2.1.2002
OA 77/2012	Yashwant Kumar Rawal	10 th	1.10.2008
OA 91/2012	Ram Sagar Meena	10 th	1.6.2006
OA 172/2012	Gauri Shankar	8 th	1.1.2002
	Molid.Umar	10 th	Aug. 2007
OA 173/2012	Gopal Kasara	MA DLL	21.2.2002
	Mukesh Gayri	M.Com.BEd	18.6.2002
	Harish Lakshkar	BA, Bed	Aug.2008
	Miss.Priyanka Soni	B.Com.B.Ed	Nov.2008
	Moti Lal Dangi	7 th	Jan.2002
	Roop Lal Dangi	8th	April 2002
OA 386/2011	Pushkar Lal Dangi	10 th	1.6.2006
	Balu Ram Dangi	12 th	6.6.2007
	Vijay Lohar	BA II	1.4.2008
	Poonam Chand Meena	9th	5.6.2007
	Smt.Sushila Bai Sonawat	Semi.LI	1.7.2005
	Kamlesh Verma	B.Com	Aug.2007
OA 387/2011	Yashwant Joshi	MA Dip.Computer	8.6.2009
	Anil Kumar Solanki	BA II	27.6.2002
	Deepak Parihar	BA	6.8.2007
	Purkh Das	BA Ist	20.12.2001
	Prem Prakash Sahu	BA	24.7.2007
	Jaideep Solanki	BA	19.9.2002
OA 482/2011	Bhawani Singh	BA Ist	20.7.2002
	Mahaveer Singh	MA	26.6.2008
	Rakesh Puri	12 th	6.8.2007
	Surendra Bhati	BA	4.8.1999
	Shankar Lal Parmar	MA	18.2.2002
	Tabish Anwar	12 th	18.6.2007
OA 483/2011	Jagdish Singh Rathore	BA	1.4.2003
	Rajendra Kumar Parihar	BA	6.7.2002
	Kanhaiya Lal	BA	21.8.2004
	Vipul Tandan	BA	5.10.2006
	Ramesh	MA	1.11.2007
	Raju Ram Mali	5 th	1.4.2009
OA 484/2011	Narpat Lal Parihar	9 th	1.2.2003
	Hitesh Chandra	9 th	1.1.2003
	Smt.Lalita	9 th	25.8.2003
	Jitendra Kachawaha	BA	15.10.2002
	Deep Singh	BA	4.9.2002
	Ugam Singh	BA	25.11.2002
OA 485/2011	Kushal Singh	BA	25.10.2002
	Daulat	8th	23.11.2006
	Praveen Singh	12 th	1.10.2002
	Mahendra Singh	8 th	15.5.1997
	Suresh Kumar	8 th	1.12.2008
	Satveer	8 th	21.6.2007

OA 464/2011	Arun Kumar	8 th	1.5.1996
	Santhosh Kumar	8 th	7.12.2007
	Raju	5 th	20.5.1997
	Mahendra Gurger	8 th	6.8.1997
	Chandra Prakash	BA Pass	1.5.2002
	Deepa Ram	BA Pass	Sept. 2007
OA 465/2011	Gopal Lal Prajapat	12 th pass	1.9.2006
	Anandi Lal Saini	12 th pass	Jan 2008
	Tikam Chand Sen	10 th pass	18.2.2003
	Hukam Chand Sainj	12 th pass	22.7.2007
OA 466/2011	Manoj Kumar Bora	Not indicated	15.3.2002
	Satyanaarayan Kansara	M.Com	August, 2005
	Nitesh Tolawat	8 th	Dec. 2006
	Narendra Meena	10 th	9.10.2007
	Laxman Singh	Not	16.10.2009
	Chandra Prakash	mentioned	24.8.2009
OA 467/2011	Bhanwar Lal Chaudhary	do.	28.8.2005
	Lalit	10 th pass	1.1.2008
	Smt. Lalita	12 th pass	12.4.2004
	Inder Singh Chauhan	12 th	13.1.2000
OA 468/2011	Pradeep Singh	8 th	19.3.2008
	Amrav Dan Charan	BA	8.1.2002
	Manisha	BA	10.7.2008

4. The applicants contend that they were engaged on daily wages they have been primarily performing auxiliary office duties from time to time as per the orders of their officials in charge on full time duty of eight hours a day. There is no difference between the nature of work entrusted to them and that being performed by the regular employees which they have discharged to the full satisfaction of the respondents. The applicants also refer to OM No. 49014/2/86 Estt.(C) dated 7.6.1988 of the respondent department [A3] which inter alia provides that where the nature of work entrusted to the casual workers and regular employees is the same the casual workers may be paid at the rate of 1/30th of the pay of the minimum relevant pay scale plus dearness allowance for work of eight hours a day. Where the work being done by the casual workers is different from the work done by a regular employee the casual workers may be paid only the minimum wages notified by the Ministry of Labour or the State Government/Union Territory Administration, whichever is higher as per the minimum

wages Act, 1948. Where a Department is already paying daily wages at a higher rate the practice is to be continued with the approval of its Financial Advisor. The casual workers are to be paid weekly off after six days of continuous work. The DoPT issued another circular dated 10.9.1993 relating to the grant of temporary status and regularization of casual workers under the directives of the Principal Bench of CAT dated 16th Feb. 1990 in the case of Rajkamal and others Vs. UoI. [A4]. The guidelines dated 7.6.1988 would continue to hold good simultaneously. Accordingly the applicants were being paid wages at the rate of 1/30th of the minimum of pay plus DA and it has been periodically revised. The guidelines of the DoPT for merger of the 50% of the DA with basic pay dated 31.5.2004 have also been put into effect in respect of the applicants. [A5]. In sum and substance by the time we reach 1.10.2010 we find that the applicants have been paid Rs.292/- per day [A8].

5. The grievance of the applicants arises from the fact that the respondent No.3 issued an order vide his order dated 31.5.2011 [A1] that the recommendations of the 6th Pay Commission are applicable only to the Casual Labourers conferred with temporary status and are not applicable to the casual workers without temporary status. The same order withdraws the earlier orders and directs that the applicants be paid at the rate of Rs. 164/- per day where the nature of the work of casual workers is the same as that of regular employees. The applicants have come to this Tribunal against the afore order [A1]. The learned counsel for the applicants contends that the impugned order is based upon a directive from the Ministry of Personnel Public Grievances and Pension vide its OM dated 12.9.2008 that the 6th Pay Commission recommendations is only applicable to the casual workers with temporary status. The learned counsel for the applicants has argued that the applicants were doing the same work as the regular workers and continued to do so. The 6th Pay Commission Report does not exclude them specifically and had it been so it would have amounted to drawing distinction between the same

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categories of workers violative of Articles 14 and 21 of the Constitution. They are being treated as separate classes without there being any intelligent differentia, amongst the same. The applicants have also referred to the case of *Surinder Singh Vrs. Union of India AIR 1986 SC 584* and contend that the matter is no longer integra with the passing of the afore mentioned judgment.

Case of the respondents

6. The counsel for the respondents has fully contested the OA. The principal argument of the respondents is that DoPT OM dated 10.9.1993 [A5] was issued in pursuance of judgment of Principal Bench of CAT dated 16.2.1990 to grant temporary status and regularization to those casual labour who were employed at that point of time and had rendered one year of continuous service in Central Government offices other than in the Departments of Telecom, post and Railways. The DoPT had subsequently issued a clarification vide OM No.40011/6/2002-Estt@ dated 6.6.2002 clarifying that the *scheme relating to the grant of temporary scheme as per order dated 10-09-1993* is not an ongoing scheme but rather one one time dispensation to those who had been given temporary status on completion of 240 days of work or 206 days in case of offices having 5 days week. It was further clarified that those who had been granted temporary status would not be stripped of the same but the those who have joined the service on a subsequent date cannot seek to derive advantage of this order for grant of temporary status. The nature of work of these employees is different and as such they are being given wages at the highest of the minimum wages at Rs. 164/- per day. The OM dated 12.9.2008 has been misinterpreted by the applicants as it clearly provides that only the workers with temporary status will continue to receive their wages under the instant scheme on the basis of the scales of Group D employees as Pay Band and the corresponding Grade Pay recommended by the 6th Central Pay Commission. As such the applicants are not entitled to any relief.

7. After having gone through the pleadings of the parties and listen to their oral submissions the following facts in issue emerge:

- (i) Whether the applicants have been performing the same nature of duties as the regular employees?
- (ii) Whether the reduction of wages as has been ordered vide the impugned order [A1], violates Article 24 and 21?
- (iii) What relief(s) if any could be granted to the applicants?

Findings

Whether the applicants have been performing the same nature of duties as the regular employees?

8. The recruitment of casual workers and persons on daily wages was reviewed in the year 1998 on the basis of which the Department of Personnel and Training, Ministry of Personnel Public Grievances and Pensions, issued OM No. 49014/2/86-Estt© dated 7th June, 1988. This OM started by recognizing that persons on daily wages should not be recruited for work of regular nature but only for work which is casual, seasonal or intermittent by nature for which regular posts cannot be created. The OM further

provides

- (iv) Where the nature of work entrusted to the casual workers and regular employees is the same, the casual workers may be paid at the rate of 1/30th of the pay at the minimum of the relevant pay scale plus dearness allowance for work of 8 hours a day.
- (v) In cases where the work done by a casual worker is different from the work done by a regular employee, the casual worker may be paid only the minimum wages notified by the Ministry of Labour or the State Government/Union Territory Administration, whichever is higher, as per the minimum Wages Act, 1948. However, if a Department is already paying daily wages at a higher rate, the practice could be continued with the approval of its Financial Adviser.
- (ix) Where work of more than one type is to be performed through the year but each type of work does not justify a separate regular employees, a multifunctional post may be created for handling those items of work with the concurrence of the Ministry of Finance.

9. In the year 1993 the Principal Bench of Central Administrative Tribunal delivered a judgment on 16.2.1990 in the case of *Rajkamal and others Vs. Union of India and others* (1990) 13 ATC 478 therein it issued certain directions to the Govt. of India, as under:

"29. *In the light of the foregoing, the application is disposed of with the following findings; orders and directions:*

- (i) *We hold that the present practice and procedure followed by different ministries/departments and the offices under them in the matter of engagement, disengagement and regularization of casual labourers on the basis of their separate strength of staff results in inequalities and injustice. The Government of India, except the Ministry of Railways, should be treated as a single unit in the context of engagement and regularization of casual labourers;*
- (ii) *The impugned orders dated 12th October, 1989 passed by the respondents, are set aside and quashed.*
- (iii) *The respondents are directed to continue the services of the applicants as casual laborers in the regular vacancies in the post of Group D arising in the Ministry of Food and Civil Supplies and its offices at Delhi and to consider their regularization in such vacancies;*
- (iv) *In case, no vacancies exist in the Ministry of Food and Civil Supplies and its offices, they should be adjusted against the vacancies of Group D staff, in other ministries/departments/attached/subordinate offices for appointment in accordance with the scheme directed to be prepared as mentioned in paragraph 21 above.*
- (v) *The respondents are directed not to induct fresh recruits as casual labourers through Employment Exchange or otherwise, overlooking the preferential claims of the applicants; and*
The emoluments to be given to the applicants till their regularization should be strictly in accordance with the orders and instructions issued by the Department of Personnel and Training. After their regularization, they shall be paid the same pay and allowances as regular employees belonging to the Group D category.
The interim order passed on December 11 1989 and continued thereafter directing the respondents that the status quo as regard the continuance of all the four applicants as casual labourers, be maintained is made absolute.

10. Even after the issue of the afore said OM as it would appear from paragraph 2 that the recruitment of casual workers would continue as contained in OM dated 7.6.1988. On 31.5.2004 the DOPT issued a revised OM vide No 49014/5/2004-Estt© directing merger of 50% of the Dearness Allowance with basic pay for computation of daily rates of wages of casual labourer as under:

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"The undersigned is directed to say that references have been received from various quarters seeking clarification whether 50% of Dearness Allowance merged with basic pay to Central Government employees w.e.f. 1.4.2004 vide Ministry of Finance, Department of Expenditure OM No.105/1/104-IC dated 1st March, 2004 would be admissible to casual labourers for the purpose of computation of their daily rates of wages.

The matter has been considered in consultation with the Ministry of Finance and it has been decided that 50% of the Dearness Allowance merged with the basic pay will be admissible to casual labourers with temporary status and also to casual employees who are entitled to daily rate of wages with reference to the minimum of the pay scale for corresponding regular Group D official w.e.f. 1st April, 2004 for the purpose of computation of their daily rates of wages. The casual labourers entitled to daily wages not linked to the minimum of the pay scale plus Dearness Allowance for corresponding Group D employees or casual workers/contingent employees engaged on part time basis shall not be entitled to the above benefit.

This issues in concurrence with Department of Expenditure IC UO No.105/1/2004-IC dated 19th May, 2004."

11. On the basis of the above circular the respondent No.5 issued OM dated 9.7.2007, the relevant part of which reads as follows:

"In accordance with the instruction laid down in the Department of Personnel & Training Om No.49014/2/86-Estt@ dated 7.6.1988 read with DOPT Circular No.49014/5/2004 dated 31/5/2004, sanction is hereby accorded to the payment of casual workers paid on daily wage basis, where nature of work is the same a that of the regular employees at the rate of 1/30th of the pay at the minimum of time scale of pay of the Group D staff plus Dearness Pay plus dearness allowances, ie., 1/30th of (Rs.2550/+ Rs. 1,275+ Rs. 1109.25/1338.75 ie., Rs. 164/- pr day for 8 hours of work a day,..

2. In cases where the work done by casual work is different from the work done by regular employees, the daily wages payable will be, Rs. 144/- per day in terms of Dy.Labour Welfare Commissioner (Central) communication Ref.No.Dy.LWC(C)/MWR/2005/4000 dated 30.9.2005."

12. The respondent organization acknowledged that the work being done by the applicants was the same as that of the regular employees and they were not casual workers on daily wages performing different set of casual duties. In recognition of this fact admittedly the wages being paid to the applicant were further revised vide letter

No.CC/JPR/2008-09/2773 dated 12/17th November, 2008 and Letter No.CC/JPR/2010-11/289 dated 18th October, 2010 [A7& A8]. The later brought up the payment to be made to such employees to Rs. 292/- per day on the basis of the above formulation. The applicants submitted a representation to the respondents wherein they have detailed the work being done by them as per the Circular No.22 dated 18.1.2011 under the multitasking scheme. It is interesting to note that the work involves a much larger vista than what is ordinarily done by an average employee and which no regular employee would normally agree to do. It varies from maintenance of the records, photocopying, night and guard duty, driving vehicles, watering the plants to mention a few in addition they are also required to do date entry, typing of letters and return feeding and processing. The applicants in this representation admitted that the scheme of Casual Labourers (Grant of Temporary Status and Regularization) was only applicable till 1993 but they made request to the effect that the Ministry should be asked to revise this scheme.

13. Admittedly, the Scheme of 1993 was a one time dispensation. This issue has been dealt with in a decided case by the Hon'ble Supreme Court *Union of India Vs. Mohanlal and others, (2002) 4 SCC 573* and held as under:

"6. Clause 4 of the Scheme is very clear that the conferment of 'temporary' status is to be given to the casual labourers who were in employment as on the date of commencement of the Scheme. Some of the Central Administrative Tribunals took the view that this is an ongoing scheme and as and when casual labourers complete 240 days of work in a year or 206 days (in case of offices observing 5 days a week), they are entitled to get 'temporary' status. We do not think that clause 4 of the Scheme envisages it as an ongoing scheme. In order to acquire 'temporary' status, the casual labourer should have been in employment as on the date of commencement of the Scheme and he should have also rendered a continuous service of at least one year which means that he should have been engaged for a period of at least 240 days in a year or 206 days in case of offices observing 5 days a week. From clause 4 of the Scheme, it does not appear to be a general guideline to be applied for the purpose of giving 'temporary' status to all the casual workers, as and when they complete one year's

continuous service. Of course, it is up to the Union government to formulate any scheme as and when it is found necessary that the casual labourers are to be given temporary status and later they are to be absorbed in Group D posts.

8. The Division Bench of the Calcutta High Court in T.Rajakili V. Union of India WP(CT) NO.86 of 1999 (Cal)(DB) held that clause 7 must be read in a manner in which it does not render it unconstitutional. The employers cannot at their whim dispense with the services of the casual labourers who have acquired "temporary" status. The entire object of the 1993 scheme was to regularize all casual workers. To allow such uncanonical power of termination would also defeat the object of the Scheme. Dispensing with the services of a casual labourer under clause 7 in our view, could be for misconduct etc.

9. Having regard to the general scheme of 1993, we are also of the view that the casual labourers who acquire 'temporary' status cannot be removed merely on the whims and fancies of the employer. If there is sufficient work and other casual labourers are still to be employed by the employer for carrying out the work, the casual labourers who have acquired 'temporary' status shall not be removed from service as per clause 7 of the Scheme. If there is serious misconduct or violation of service rules, it would be open to the employer to dispense with the services of a casual labourer who had acquired the 'temporary' status."

14. Now we come to the question that what is the guiding principle whereby the payment of daily wage workers should be made. The question was answered by the Hon'ble Apex Court in the case of *Surinder Singh and another Vs. The Engineer-in-Chief, CPWD and others, AIR 1986 SC 584*:

"One would have thought that the judgment in the Nehru Yuva Kendra's case (supra) concluded further argument on the question. However, Shri V.C.Mahajan, learned counsel for the Central Government reiterated the same argument and also contended that the doctrine of 'equal pay for equal work' was a mere abstract doctrine and that it was not capable of being enforced in a court of law. He referred us to the observations of this court in *Kishori Mohanlal Bakshi Vs. Union of India, AIR 1962 SC 1139*. We are not a little surprised that such an argument should be advanced on behalf of the Central Government 36 years after the passing of the Constitution and 11 years after the Forty Second Amendment proclaiming India as a Socialist republic. The Central Government like all organism of the State is committed to the Directive Principles of State Policy and Art.39 enshrines the principle of equal pay for equal work. In *Randhir Singh Vs. Union of India, (1982) 3 SCR 298 (AIR 1982 SC 879)* this court had occasion to explain the observations in *Kishori*



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Mohan Lal Bakshi V. Union of India (supra) and to point out how the principle of equal pay for equal work is not an abstract doctrine and how it is a vital and vigorous doctrine accepted through the world particularly by all socialist countries. For the benefit of those that do not seem to be aware of it, we may point out that the decision in Randhir Singh's case has been followed in many number of cases by this Court and has been affirmed by a Constitution Bench of this Court in D.S.Nakara V. Union of India (1983) 2 SCR 165: AIR 1983 SC 130. The Central Government, the State Governments and likewise all public sector undertakings are expected to function like model and enlightened employers and arguments such as those which were advanced before us that the principle of equal pay for equal work is an abstract doctrine which cannot be enforced in a court of law should ill-serve from the mouths of the State and the State Undertakings. We allow both the writ petitions and direct the respondents, as in the Nehru Yuva Kendra's case (supra) to pay to the petitioners and all other daily rated employees, the same salary and allowances as are paid to regular and permanent employees with effect from the date when they were respectively employed. The respondents will pay to each of the petitioners a sum of Rs. 1000/- towards their costs. We also record our regret that many employees are kept in service on a temporary daily-wage basis without their services being regularized. We hope that the Government will take appropriate action to regularize the services of all those who have been in continuous employment for more than six months."

15. On the basis of the aforesaid discussions we reached the conclusion – the payment of wages to the daily wage employees discharging the duties of a regular employee will continue to be governed by the provisions of OM dated 7.6.1988 despite the fact that the OM dated 10.9.1993 has been deemed to be a one-time dispensation. Even in the case of *Union of India Vs. Mohanlal and others (supra)*, the principle that once attained the status of a temporary it is well protected only violate to the condition that such employee is found guilty of misconduct when his services can be dispensed with altogether. Under other conditions the services are protected. The Hon'ble Supreme Court while holding so have not dispensed with this principle. The second conclusion is that it is more than clear that the applicants have been doing the same work as regular employees and even more. We cannot imagine that a regular UDC

being asked to do the work of cleaning and watering the plants. In fact they are doing more. The nature of the duties being performed by the applicants has not undergone a change by virtue of the mere fact the impugned circular has been issued by the DoPT. It is well recognized that a circular from above does not change the ground realities in effect. Where the applicants have been performing the duties of a regular employee or more and continue to do so is a fact their status cannot change overnight by the mere fact that a circular has been issued by a superior authority. The third conclusion is that by issue of the impugned OM dated 31.5.2011 [A1] the material facts are not altered by one stroke of pen. **What the applicants were doing earlier they continue to do so even after the issue of the impugned OM.** As already held that where the nature of work remains to be the same as the regular employees the payment will also continue to be the same.

Whether the reduction of wages as has been ordered vide the impugned order [A1] is violative of Article 14 and 21?

16. The doctrine of equal pay for equal work is well enshrined in our Constitution articulated through Article 14. This article for the sake of convenience needs to be reproduced.

Article 14: Equality before law:- The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India."

and has been the corner stone for so many judgments /decisions of various courts more so of the Hon'ble Apex Court. It is also to be noted that it forms a part of the basic frame work of the constitution as enunciated in *His Holiness Keshvanand Bharti Sri Padagalvaru and others Vs. State of Kerala and another, AIR 1973 SC 1461*.Case.

17. Hence it has also to be considered that once a set of workers have been getting higher wages to reduce the same on the basis of directions from above does not alter the material facts or restrict the family requirements of such workers. It is trite that

once one is used to a higher set of income it is difficult for him to curtail one's requirements to a lower income.

18. It is also significant to note that no show cause notice has been issued to the applicants before reducing their daily wages structure. While certainly the services of the applicants as decided in the case of *Union of India Vs. Mohanlal and others, (supra)* can be dispensed with one month's notice by means of a termination simplicitor. For reducing or altering the wage structure to their disadvantage will require prior show cause and giving them opportunity of being heard. The principle of *audi alteram partem* is inviolate in such cases. In any event, such a reduction is not justified in the cases in hand.

What relief(s) if any could be granted to the applicants?

19. Answer to the first two questions which go in favour of the applicants, obviously, persuade the Tribunal to answer this question too in their favour. In view of the discussions on the above issues we come to the conclusion that the unilateral action of the respondents in reducing the wages of the applicants without having given them an opportunity to show cause is violative of not only the constitutional provisions but also the principles of natural justice. It is hence bad under law. The following reliefs are, therefore, claimed:

- (I) The impugned order dated 31.5.2011 [A1] is hereby quashed.
- (II) The respondents are directed to continue making payment to the applicants @ 1/30th of the pay at the minimum of the time scale of the Group 'D' staff plus dearness allowance i.e., Rs. 292 per days as basic pay w.e.f 1.7.2008 with all consequential benefits.
- (III) No modification of the OM dated 12.9.2008 is warranted as the legality of the OM has not been in challenge nor would the same be necessary for granting the reliefs (i) and (ii).
- (IV) No order as to the costs.

20. The MA No. 142/2012 in OA 534/2011 is rendered infructuous in view of the disposal of

the above OAs.

**COMPARED &
CHECKED**

Sd/-
Or (BK SINHA) ✓ CERTIFIED TRUE COPY (DR. KBS RAJAN)
ADMINISTRATIVE MEMBER Dated 27.8.2012 JUDICIAL MEMBER

pps

R. K. Sinha
राम कुमार सिंह (भार.)
Section Officer (Jud.)
उद्योग व्यापारिक नियन्त्रण
General Administrative Tribunal
जोधपुर न्यायालय, जोधपुर
जोधपुर बैच, जोधपुर