

73

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH**

O.A.No.481, 482 and 483 OF 2012

**Jodhpur this the 10<sup>th</sup> day of December, 2012.**

HON'BLE MR. B.K.SINHA, MEMBER [A]

1. Vinod Kumar Chouhan S/o Sh. Chotu Lal Chouhan aged about 39 years at present employed as Casual Peon in the Office of CCIT, 6, New Fatehpura, Udaipur.
2. Vijay Singh Chauhan S/o Shri Hari Singh Chauhan aged about 33 years, at present employed as Casual Peon in the office of Jt. CIT, 6 New Fatehpura, Udaipur.
3. Kishan Lal Meghwal S/o Shri Roop Lal Meghwal, aged about 26 years, at present employed as Casual Peon, ACIT, Circle-2, Udaipur.
4. Naresh Menaria S/o Shri Kishan Lal Menaria aged about 25 years at present employed as Casual Computer Operator in the office of ITO Ward 2 (1), 6, New Fatehpura, Udaipur.
5. Niranjana Nath S/o Shri Dungar Nath aged about 30 years at present employed as Casual Peon, in the Office of Guest House, CIT, 16, Mumal Tower, Udaipur.
6. Pankaj Joshi S/o Shri Kaluram Ji aged about 31 years, at present employed as Casual Computer Operator in the Office of ITO Ward 1(1), 6, New Fatehpura, Udaipur.
7. Rugesh Dangi S/o Sh. Nathu Dangi aged about 25 years at present employed as Casual Peon, in the Office of CIT (A), 16, Mumal Tower, Udaipur.
8. Kishan Lal Dangi S/o Shri Udai Lal Dangi aged about 25 years, at present employed as Casual Chowkidar in Income Tax Office, 6, New Fatehpura, Udaipur.
9. Sashi Kala Gari D/o Shri Babu Garu, aged about 44 years at present employed as Casual Sweeper in the Office of ITO TRO, 13, 'B' Saheli Marg, Udaipur.
10. Dinesh Harijan S/o Shri Gamera Ji Harijan aged about 40 years, at present employed as Casual Sweeper in the Office of Guest House, IT Guest House, H.M. Sector-11, Udaipur.
11. Padmesh Sharma S/o Shri Harishankar Sharma aged about 29 years, at present employed as Casual Computer Operator in the office of Guest House, JCIT, Chittorgarh.

12. Pushkar Choudhary S/o Shri Nandram Choudhary aged about 34 years at present employed as Casual Computer Operator in the Office of ITO Ward-3, Chittorgarh.
13. Tillesh Soni S/o Shri Prahlad Soni aged about 24 years at present employed as Casual Computer Operator in the office of ITO Ward-2, Chittorgarh.
14. 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 JCIT, Chittorgarh.
15. Smt. Geeta Bai W/o Shri Kalyan Lal Ji aged about 40 years at present employed as Casual Sweeper in the Office of JCIT, Chittorgarh.
16. Jai Singh Sarangdevot S/o Shri Nirbhay Singh Sarangdevot aged about 31 years at present employed as Casual Computer Operator in the Office of ITO Ward 1 (1), 6, New Fatehpura, Udaipur.

C/o Vinod Kumar Chouhan S/o Shri Chotu Lal Chouhan  
482, Hathi Pol, Chaman Pura, Gali No. 9, Udaipur.

#### Applicants in OA No. 481/2012.

1. Mahesh Nagda S/o Shri Bhanwar Lal Nagda aged about 30 years, at present employed as Casual Computer Operator in the Office of ACIT, Circle-2, Udaipur.
2. Sohan Lal Dangi S/o Shri Nathu Lal Dangi aged about 24 years, at present employed as Casual Peon in the Office of CCIT, Udaipur.
3. Sonali Patwa D/o Shri Ashok Kumar Patwa aged about 29 years, at present employed as Casual Computer Operator in the Office of ACIT Circle-1, 6, New Fatehpura, Udaipur.
4. Sonu Chouhan S/o Shri Girdhari Lal Ji aged about 25 years at present employed as Casual Sweeper in the Office of CIT, 16 Mumal Tower, Udaipur.
5. Vardi Chand Dangi S/o Shri Jaganath Dangi aged about 38 years at present employed as Casual Chowkidar ITO, TRO, 13-B, Saheli Marg, Udaipur.
6. Kuldeep Singh S/o Shri Hari Singh Chauhan aged about 35 years, at present employed as Casual Peon in the Office of TRO, Udaipur, New Fatehpura, Udaipur.
7. Mahesh Chandra Kulambi S/o Shri Ram Chandra Kulambi aged about 30 years at present employed as Casual Computer Operator in the office of AO (DDO), Udaipur.
8. Manish Sanadhya S/o Shri Shivprakash Sanadhya, aged about 28 years, at present employed as Casual Computer

Operator in the Office of ITO Ward 1(2), 6, New Fatehpura, Udaipur.

9. Sohan Lal Meena S/o Shri Ram Lal Meena aged about 32 years, at present employed as Casual Cook in the office of Guest House, I.T. Guest House, H.M. Sector-11, Udaipur.
10. Sunil Sukhwal S/o Shri Rajkumar Sukhwal aged about 24 years at present employed as Casual Peon in the office of ITO Ward 2 (2) 6, New Fatehpura, Udaipur.
11. Ambalal Gameti S/o Shri Laluram Gameti aged about 31 years at present employed as Casual Cook in the office of IT Guest House, H.M. Sector-11, Udaipur.
12. Deepak Dangi S/o Shri Nathu Lal Dangi aged about years at present employed as Casual Peon in the office of ITO Ward 1 (1), 6, New Fatehpura, Udaipur.
13. Dharmendra Kumawat S/o Shri Om Kumawat aged about 33 years, at present employed as Casual Computer Operator in the office of CCIT, 6, New Fatehpura, Udaipur.
14. Gopal Dangi S/o Shri Ganesh Lal Dangi aged about 21 years at present employed as Casual Peon in the office of ACIT, C-1, 6, New Fatehpura, Udaipur.
15. Jumme Khan Pathan S/o Shri Akbar Khan Pathan aged about 31 years at present employed as Casual Computer Operator in the office of CCIT, 6, New Fatehpura, Udaipur.
16. Jaswant Singh S/o Shri Arjun Singh aged about 32 years at present employed as Casual Computer Operator in the office of CCIT, 6, New Fatehpura, Udaipur.

C/o Mahesh Nagda S/o Shri Bhanwarlal Nagda,  
R/o 174, Takeri Hompura, Ganesh Tractor Ka Pass,  
Udaipur.

Applicants in OA No. 482/2012.

1. Manish Rawat S/o Shri Dau Lal Ji aged about 30 years at present employed as Casual Computer Operator in the Office of Guest House, CIT, 16 Mumal Tower, Udaipur.
2. Bhunveshwar Paneri S/o Shri Onkarnath Paneri aged about 36 years, at present employed as Casual Computer Operator in the office of ITO (TDS), Udaipur.
3. Abdul Qadir S/o Shri Hafiz Abdul Rehman aged about 58 years, at present employed as Casual Computer Operator in the office of CIT (A), Mumal Tower, Udaipur.
4. Ajit Singh Chauhan S/o Shri Kesar Singh Chauhan aged about 29 years at present employed as Casual Computer Operator in the office of ITO Ward 2(2), 6, New Fatehpura, Udaipur.

5. Dinesh Jain S/o Shri Shanti Lal Jain aged about 30 years at present employed as Casual Computer Operator in the office of ACIT Circle-2, 6, New Fatehpura, Udaipur.
6. Hira Lal Dangi S/o Shri Mithu Lal Dangi aged about 19 years at present employed as Casual Peon in the Office of Jt. CIT, Range-1, 6, New Fatehpura, Udaipur.
7. Nagraj Meena S/o Shri Kanji Meena aged about 38 years at present employed as Casual Peon in the Office of ITO Ward 1 (4), 6, New Fatehpura, Udaipur.
8. Narbada Shankar Menariya s/o Shri Kalu Ramji aged about 43 years, at present employed as Casual Peon in the office of AO (DDO), Udaipur.
9. Narendra Bhatnagar S/o Shri Ashok Bhatnagar aged about 26 years, at present employed as Casual Peon in the Office of ITO Ward 2 (1), 6, New Fatehpura, Udaipur.
10. Narendra Purbia S/o Shri Himmat Lal Purbia aged about 31 years, at present employed as Casual Computer Operator in the office of CIT, 16 Mumal Tower, Udaipur.
11. Prashant Singh Ranawat S/o Shri Mlahipal Singh Ranawat aged about 30 years, at present employed as Casual Computer Operator in the office of Addl. CIT, Range-2, Udaipur.
12. Vikram Arya S/o Shri Bhanwar Lal, aged about 26 years at present employed as Casual Chowkidar in the office of Income Tax, Rajsamand.
13. Prakash Harijan S/o Shri Kishan Lal Harijan aged about 26 years at present employed as Casual Sweeper in the Office of Income Tax, Rajsamand.
14. Ishwar Lal Punjabi S/o Shri Bhagwan Lal Prajapat aged about 26 years, at present employed as Casual Data Entry Operator in the office of Income Tax, Rajsamand.
15. Amba Lal Meena S/o Shri Hajari Lal Meena aged about 33 years, at present employed as Casual Peon in the Office of Income Tax, Rajsamand.
16. Kanhaiya Lal Dangi S/o Shri Hakma Ji Dangi aged about 36 years at present employed as Casual Peon in the office of CCIT, Udaipur.

C/o Manish Rawat S/o Shri Dau Lal Ji Rawat, 14, Mayur Van Colony, Panerion Ki Madri, Udaipur (Raj).

Applicants in OA No. 483/2012.

**[Thr.Mr. A.K.Kaushik, Advocate]**

**Versus**

1. Union of India through Secretary, Central Board of Direct Taxes, Ministry of Finance, Government of India, North Block, New Delhi.
2. Commissioner of Income Tax (Central), 2<sup>nd</sup> Floor, New C.R. Building (Annexe), Statute Circle, B.D. Road, Jaipur.
3. Chief Commissioner of Income Tax, 6, New Fatehpura, Udaipur.
4. Commissioner of Income Tax, 2<sup>nd</sup> Floor, 16, Moomal Tower Udaipur.

Respondents

**ORDER**

BY THE COURT :

The above cases mentioned in the Cause Title, are similar in nature and arise from identical cause of action. These cases are, therefore, being disposed of by means of a common order.

2. The applicants were engaged as daily wage casual workers in capacity of computer operator / Data Entry Operator / Peon / Sweeper / Driver / Chowkidar and Cook on various dates mentioned against their name in the Original Application. The grievance of the applicants arise from the communication dated 19.10.2012 (Annex.A-1) enclosing the Minutes of the meeting on various issues of litigation of data entry operators / casual workers held in the chamber of Director of Income Tax (I in CI) Rajasthan Jaipur on 17.10.2012. It transpires from a perusal of the Minutes that earlier this Bench of the Tribunal had passed an order on 14.8.2012 in OA No. 121/2010 whereby the order of the respondent-department for reducing wages from Rs.292/- to Rs. 164/- has been quashed. It further appears from the proceedings of the meeting that the payment of Rs. 292/- is being received by such incumbents consequent to the above order. However, in O.A. No. 121/2010 vide its order dated 22.2.2012, this Bench had



stayed the process of issuance of notice calling for tenders for service providers. The respondent – department has filed a Writ Petition before the Hon'ble High Court of Jodhpur Bench vide C.W. No. 1924/2011 wherein, the Hon'ble High Court has been pleased to hold vide its order dated 14.09.2012 as under :-

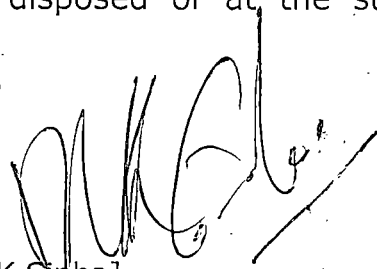
**"... It is submitted that as assurance was given on behalf of the respondents that the work will be taken from the employees concerned and they will have to receive the payment from the Contractor and not from the Income-tax Department. Having considered all the facts of the case, we are inclined to modify the order dated 22.07.2011 by directing the respondents to employ respondents No. 2 to 10 through contractor."**

3. In view of the aforesaid order, the Department has do away with the services of the casual workers and replace them by employees outsourced through service provider and have constituted a committee for piloting this transition.

4. The above matter had been challenged in this Tribunal and had been disposed of by its order dated 19.10.2012 vide OA No. 17/2012 **Mahendra Singh and Ors. Vs. UOI & Ors.** and a batch. Some other similarly placed applicants had approached this Tribunal vide OA No. 470 and 471 of 2012 expressing similar apprehension. These cases were disposed of with the directions : "However, in view of the apprehension expressed by the applicants, both these OAs are remanded back to the respondent No. 2 for consideration in the light of the aforementioned order of the Tribunal delivered in Mahendra Singh and Ors. Vs. UOI & Ors. (supra) on 29<sup>th</sup> October, 2012, by means of a speaking order. It is

further directed that respondents will not terminate the services of the applicants till such decision is taken." The same ratio shall also apply to the instant set of cases.

5. All the three OAs are being disposed of at the stage of admission itself with these directions.



[B.K. Sinha]  
Administrative Member

Jrm