

Central Administrative Tribunal Lucknow Bench Lucknow
Original Application No. 231/2005.

Lucknow, this the 17th day of February, 2006.

Hon'ble Shri J.S. Dhaliwal Member(J)

Wajid Ali, son of Sri Ramzan Ali, resident of Permanent address-
Mohalla Kali Kunj Bahiriwan, behind Athdama Kothi Gandhi Nagar,
Basti, present address-House No. A-40, C/o Jamal Ahmad, C.S.I.R.
Colony, Nirala Nagar, Lucknow.

Applicant.

By Advocate Shri Vijay Kumar.

Versus

1. The Union of India, through it's Chief Coommissioner, of
Income Tax, department of Income Tax, Lucknow.
2. Deputy Commissioner of Income Tax (Administration),
department of Income Tax, Lucknow.
3. Joint Income Tax Commissioner Range III (2), Lucknow.
4. Income Tax Officer/Commissioner (Survey), Lucknow.
5. Income Tax Officer Range III (2), Lucknow.

Respondents.

By Advocate Shri Vishal Singh for Shri S.K. Awasthi.

ORDER(ORAL)

By Hon'ble Shri J.S. Dhaliwal Member(J)

Applicant claims that he was engaged on the post of
Computer Operator in September, 2000 and was deployed to
work on holidays by orders of a local I.T.O. He has
mentioned the dates like 7.2.2003, 28.2.2003, 13.3.2003 and
30.5.2003. Applicant claims that respondents were taking
regular work from him. His services were terminated orally
on 31st December, 2003. On the ground that he has already
worked with the respondents for 3 years, he has prayed for a
direction to the respondents to continue him in service and
regularise his services on the post of Computer Operator and pay
him full regular salary. He seeks further direction to the

respondents to release the arrears of salary with allowances for the period he has already worked. His representation for this relief was rejected by order dated 13.4.2005 Annexure I. He has prayed for quashing the same.

2. Respondents have filed their reply contesting the case of the applicant and supporting the order A-1 with the plea that the post of Computer Operator is a Group 'C' post on which appointment can be made only through Staff Selection Commission. Local ITO had neither ^{the} power to create such a post nor the power to appoint the applicant to the post of Computer Operator. His duties were like leave reserve and thus he has no right to claim the relief as made in the Original Application.

3. The applicant has filed R.A. with which he has annexed some representation with mention of dates on which he had worked.

4. Both the counsel for parties have been heard.

5. After going through Annexure 1, the court finds that respondents have committed no illegality in rejecting the representation of the applicant for his regular appointment to the post of Computer Operator.

6. Admittedly the post of Computer Operator is a Group C post to which regular appointment cannot be made at the local level by an I.T.O. Applicant has only annexed letters of ITO to support his case which confer no right on him except his claim for receiving wages for the period he has worked.

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7. At this stage, learned counsel for the respondents states that his wages for the period he was made to work by the local ITO are lying with the office and he is free to collect the same.

8. In view of the above discussion, prayer of applicant for regularization of his service and for quashing of order A-1 ^{is} rejected. Respondents are directed to release the wages for the period applicant has been made to work in the office of respondents. As per the offer made by the learned counsel for respondents, applicant at liberty to approach the respondents and to receive the arrears of his wages. No costs.


(J.S. DHALI WAL)
MEMBER (J)

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