

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

...  
**REVIEW APPLICATION NO.30 of 2006  
In ORIGINAL APPLICATION NO.231 of 2005**

**Chandigarh, this the 19th day of April, 2006**

...  
**BEFORE: HON'BLE MR.JASBIR S.DHALIWAL, MEMBER(J)**

**Wajid Ali son of Sri Ramzan Ali.**

**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

**VERSUS**

1. Union of India, through its Chief Commissioner 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 ax Officer/ Commissioner, Survey, Lucknow.
5. Income Tax Officer, Range III(2), Lucknow.

...RESPONDENTS

**ORDER**


**HON'BLE MR.JASBIR S.DHALIWAL, JM:-**

This R.A. has been filed by the applicant in the O.A. seeking review of order dated 17.2.2006. Pleads that the order suffers from material

...Contd.

irregularity as it has ignored the fact that applicant had worked in the department and payment for his work was also paid by the department. His services were orally terminated without affording him any opportunity. While appointing him, the ITO(Survey) had asked for funds for payment of wages to Computer Operators and the department had allowed the same. Claims that even if he could not be regularized, he had a right for engagement as a daily-wager when the work is available.

2. After going through the R.A. and the order sought to be reviewed, the Court is of the opinion that no grounds are made out for review of order dated 17.2.2006. Engagement of applicant as Computer Operator was never on regular basis, nor in accordance with law. He was deployed to work on holidays and it was a local arrangement, made by the ITO. No right to hold the post had ever developed in favour of the applicant. Mere working intermittently or otherwise during the period of three years, does not ripen into any right, be it of regularization, or to claim a right of engagement. Unless the applicant pleads and proves that he is being discriminated or that the action of the competent authority was arbitrary, there is no right of re-engagement which itself is dependent upon availability of work.



3. Considering the provisions of Order 47, Rule 1 of Code of Civil Procedure, read with Section 22 of the Administrative Tribunals Act, 1985, no grounds are seen for reviewing the order sought to be reviewed. This R.A. is, therefore, rejected.

  
(JASBIR S.DHALIWAL)  
MEMBER(J)

**Dated: April 19, 2006**

'bss'