

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

OA 569/1995

Mumbai this the 27th day of July, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(A)
Hon'ble Smt. Shanta Shastry, Member (A)

Mahadeo Dattu Gade,
working as Cleaner in the
Income Tax Departmental
Canteen, Mahalaxmi Chambers of
Income Tax, Bombay R/017/23,
BDD Chawl, N.M. Joshi Marg,
Bombay-13

..Applicant

(None for the applicant)

VERSUS

1. Deputy Commissioner of Income
Tax (Admn.), Aayakar Bhawan,
M.K.Road, Bombay

2. Chief Commissioner of Income Tax
(Admn.), Aayakar Bhawan, M.K.Road,
Bombay.

..Respondents

(By Advocate Shri M.I. Sethna, learned
counsel with Shri V.D. Vadhavkar)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J)

This case has been listed at Serial No.7 in
today's cause list for final hearing. The OA has been
filed as far back as 19.3.1995 and we note that
pleadings are complete and that the respondents have
filed even sur rejoinder to the applicant's rejoinder on
13.11.2000. As none has appeared for the applicant, we
have carefully perused the documents on record and heard
Shri V.D. Vadhavkar, learned proxy counsel for the
respondents.

2. The respondents in the annexure to the sur rejoinder have stated categorically that the applicant has put in 120 days by 5.6.1986 as claimed by him, which is factually correct. Their main contention seems to be that he cannot be granted 'Temporary Status' automatically but the same has to be considered in accordance with the relevant Rules and instructions. They have also referred to the DOP&T OM dated 10.9.1993 and have submitted that unless he is found eligible for conferment of 'Temporary Status' subject to his fulfilling the requisite conditions, as mentioned therein, this cannot be done.

3. The applicant in the OA has on the other hand relied upon the Notification No.6(2)23/79 Welfare dated 11.12.1979 also issued by the DOP&T as well as another Notification dated 10.9.1993 under which, he states, all the employees who had put in more than 120 days are entitled for regularisation as group 'D' employees. From the replies filed by the respondents it appears that they have not considered the case of the applicant with regard to granting such benefits as he may be entitled under the various relevant Schemes promulgated by the Government from time to time. It is relevant to note that the respondents have themselves stated that the applicant has been engaged since 1.2.1986. It is also relevant to note from the statements in the replies

Yours

given by the respondents themselves that on the basis of the representations of the Workers Association dated 15.11.1994 and subsequent submissions from few of the daily wagers, they have issued the orders conferring on some of the daily wagers ~~the~~ 'Temporary Status'. In the circumstances of this case, we do not see any reason why the respondents should not have also considered the case of the applicant in terms of the relevant rules and instructions with respect to his claim for grant of 'Temporary Status', regularisation and other benefits due to him under these provisions. The respondents have also submitted that in case the applicant makes a similar request duly supported by documents regarding fulfilment of the requisite conditions, he will also be conferred 'Temporary Status'.

4 In the above facts and circumstances of the case, the OA is disposed of with the following directions:-

The respondents are directed to consider the case of the applicant in terms of the extant relevant Rules and instructions issued by the Government from time to time treating the

given by the respondents themselves that on the basis of the representations of the Workers Association dated 15.11.1994 and subsequent submissions from few of the daily wagers, they have issued the orders conferring on some of the daily wagers the "Temporary Status". In the circumstances of this case, we do not see any reason why the respondents should not have also considered the case of the applicant in terms of the relevant rules and instructions with respect to his claim for grant of "Temporary Status", regularisation and other benefits due to him under these provisions. The respondents have also submitted that in case the applicant makes a similar request duly supported by documents regarding fulfilment of the requisite conditions, he will also be conferred "Temporary Status".

5 In the above facts and circumstances of the case, the OA is disposed of with the following directions:-

The respondents are directed to consider the case of the applicant in terms of the extant relevant Rules and instructions issued by the Government from time to time treating the

present OA as the applicant's representation as the same has already been pending for a number of years. They shall pass a detailed, reasoned and speaking order within two months from the date of receipt of a copy of this order, with intimation to the applicant.

No order as to costs.

6 Aug 9-

(Smt. Shanta Shastry)
Member(A)

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Vice Chairman(J)

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