

Acc

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No.383/92

Date of Order: 23.9.1993

BETWEEN:

N.Ramesh

.. Applicant.

A N D

1. Union of India rep. by  
its Income Tax Officer,  
Income Tax Office,  
Central Circle I,  
Hyderabad.
2. The Chief Commissioner of Income  
Tax, A.P., Hyderabad.
3. Deputy Commissioner of  
Income Tax (Admn.), Chief  
Commissioner of Income Tax,  
A.P., Hyderabad.
4. The Deputy Secretary (Ad.VII)  
Central Board of Directores,  
New Delhi.

.. Respondents.

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Counsel for the Applicant

.. Mr.B.Sudhakar Reddy

Counsel for the Respondents

.. Mr.N.R.Devraj

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CORAM:

HON'BLE SHRI A.B.GORTHY : MEMBER (ADMN.)

HON'BLE SHRI T.CHANDRASEKHARA REDDY : MEMBER (JUDL.)

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20/9/93

.. 2 ..

Order of the Division Bench delivered by  
Hon'ble Shri A.B.Gorthi, Member (Admn.).

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In this application the grievance of the applicant is against the refusal by the respondents to re-engage him as a Contingent employee and also absorb him regularly in service. He filed O.A.250/88 which was disposed of on 28.2.1990 with a direction to the respondents to consider the case of the applicant in accordance with the scheme prepared by the department in pursuance of the directions given by the Supreme Court in AIR 1988 SC 517 (U.P. Income Tax Department Contingent Paid Staff Welfare Association Vs. Union of India). The respondents approached the Supreme Court by means of Special Leave Petition (Civil) No.16374/90. After hearing the counsel the Supreme Court reiterated that the case of the applicant in OA should be considered in accordance with the scheme prepared by the Government.

2. Notwithstanding the afore-said 2 judgements, the respondents, according to the applicant, did not consider his case. He, therefore, filed CP.5/91 which was disposed of by an order dated 26.2.1992. Relevant para therefrom is reproduced below:-

"Mr.N.Bhaskara Rao produced before us a copy of the order dt. 31.10.1991 (it should actually read as 31.1.1992) issued by the Income Tax Officer, Central Circle I, Hyderabad. The said order makes it clear that the applicant had been considered in the light of Supreme Court decision for regularisation of services. As seen from the said order he is not found suitable for regularisation of services."

3. The same order dt. 31.1.1992 issued by the Income Tax Officer, Central Circle I, Hyderabad has now been impugned by the applicant in the present O.A. before us. A perusal of the memo dated 31.1.1992 would clearly indicate that in compliance with the orders passed by this Tribunal and also the Supreme Court, the respondents did consider the case of the applicant for his re-engagement and regularisation. After considering his case, the competent authority decided neither to re-engage him nor to regularise him, mainly because the applicant's conduct and behaviour during his previous engagement was found to be not satisfactory. As the applicant's conduct and behaviour was found to be not up to the mark, we cannot come to the conclusion that the respondents improperly or irregularly decided not to re-engage the applicant. As the respondents did comply with the judgement of the Tribunal in OA.250/88 and also the order of the Supreme Court in SLP.16374/90, we are of the view that the present OA is not maintainable at all.

4. In view of the above the OA is dismissed. There shall be no order as to costs.

(T.CHANDRASEKHARA REDDY)  
Member (Judl.)

(A.B.GORTHU)  
Member (Admn.)

Dated: 23rd September, 1993

(Dictated in Open Court)

By: Registrar

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1. The Income Tax Officer, Union of India,  
Income Tax Office, Central Circle I, Hyderabad.
  2. The Chief Commissioner of Income Tax, A.P. Hyderabad.
  3. The Deputy Commissioner of Income Tax (Admn.) Chief Commissioner  
of Tax, A.P. Hyderabad.
  4. The Deputy Secretary (Ad.VIII) Central Board of Directorees,  
New Delhi.
  5. One copy to Mr. B. Sudhakar Reddy, Advocate, CAT. Hyd.
  6. One copy to Mr. N. R. Evraj, Sr. CGSC. CAT. Hyd.
  7. One copy to Library, CAT. Hyd.
  8. One spare copy.

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TYPED BY

COMPARED BY

CHECKED BY

APPROVED

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO  
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY  
MEMBER (JUDGE)

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M (A)

Dated: 23-9-1993

~~ORDER~~/JUDGMENT:

~~M.A./R.A./C.A.~~ No.

in

O.A. No.

383/92

T.A. No.

(W.P.)

Admitted and Interim directions  
issued

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

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AD BENCH