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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.No.1479/97.

Date of decision: 19th December, 1997.

Between:

I. Venkata Siva Rao. .. Applicant

and

1. The Chief Commissioner of Income Tax,
Andhra Pradesh, Aayakar Bhavan,
Basheer Bagh, Hyderabad - 500 004.
2. The Commissioner of Income Tax,
Vijayawada 500 0 521. .. Respondents.

Counsel for the applicant: Sri V.Jagapathi.

Counsel for the respondents: Sri N.R.Devaraj.

JUDGMENT.

(per Hon'ble Sri R. Rangarajan, Member (A))

None for the applicant. Sri N.R.Devaraj for the
respondents.

The facts in this case as enumerated ⁱⁿ the
applicant's representation dated 10-3-1997 (Annexure A-2
page 8 of the O.A.) needs a close scrutiny by the
Respondent No.1. Hence, I thought it fit to dispose
of this O.A., on the basis of the material available
on record though the learned counsel for the applicant
is not present today. His absence may not be any
disadvantage for disposal of this O.A. Hence the O.A.,



: 2 :

is being disposed of under Rule 15(1) of the Central Administrative Tribunal (Procedure) Rules, 1987.

The applicant submits that he was engaged as a contingent employee on 5-1-1990. His services were utilised as a water boy by the respondents since his entry into service in various offices situated in Guntur. He submits that from 16-1-1995 he is working in the Office of the Commissioner of Income Tax as casual labourer. Thus the applicant submits that he had put in 7 years service in the Respondents' Department. It is stated that the applicant requested for grant of temporary status and submitted a representation which was recommended by the Respondent No.2 and forwarded to Respondent No.1. Unfortunately, the applicant submits that the Respondent No.1 directed the 2nd respondent to dispense with the services of the applicant. In pursuance of the said direction of Respondent No.1, Respondent No.2 is not paying the salary to the applicant on his name from August, 1997 onwards. He submits that the applicant is being paid on the name of some third party with the intention of denying him the legitimate right.

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: 3 :

This O.A., is filed praying for a direction to
him
the respondent to grant/temporary status to the applicant
and continue him in service without giving break in service
and by declaring that the action of the Respondents in
giving breaks in service of the applicant and not granting
him the temporary status is arbitrary, discriminatory and
illegal.

The contention of the applicant is that in terms
of the Memorandum C.R.No.381/Estt./94 dated 5-1-1994
(Annexure A1 page 7 of the O.A.,), temporary status should
be given to a contingent employee as and when he completes
one year of service. The applicant further submits that
several contingent employees who were joined in service in
Group "D" post in the respondents' Department much later
than the applicant have been given the temporary status and
their services were also regularised in the regular scale
of pay. Thus non-granting of temporary status and non-
regularisation of his services is a case of discrimination.

The second contention of the applicant is that he
is working from the year 1990 onwards. Hence non-payment
of salary to him from August, 1997 and is being paid in the
benami name is unfair labour practice.

Thirdly, he submits that he passed SSC Examination
and he is discharging the duties as a contingent employee
satisfactorily. Hence, he should be engaged on daily wages

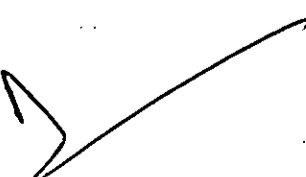
for full month. ~~Though~~.

Though the applicant was recommended by the 2nd respondent to the 1st respondent for granting him temporary status that was ignored by the 1st respondent which seems to be irregular and needs correction.

It is not understood why the applicant agreed to work after August, 1997 when he is being paid in a benami name. He should have protested against that. But it appears that he has ~~is~~ reconciled to the situation. Hence, no definite direction can be given to this aspect of the matter.

The applicant has submitted a representation dated 10-3-1997 (Annexure 2 Page 8 to the O.A.) and that representation is still pending disposal. Hence I am of the opinion that a direction ~~is~~ to be given to the respondent No.1 to dispose of his representation dated 10-3-1997 taking due note of Memo No.C.381/Estt./94 dated 5-1-1994 (Annexure A-1 Page 7 to the O.A.)

In the result, Respondent No.1 is directed to dispose of the representation of the applicant dated 10-3-1997 (Annexure A-2 page 8 to the O.A.,) in accordance with law



: 4 :

taking due note of Memorandum No. C.381/Estt./94

dated 5-1-1994 within a period of one month from
the date of receipt of a copy of this Judgement.

No costs.



R. RANGARAJAN,
Member (A)

Date: 19th December, 1997.

Dictated in open Court.


D.R

sss.

DA:1479/97

Copy to:-

1. The Chief Commissioner of Income Tax, Andhra Pradesh, Aayakar Bhavan, Basheer Bagh, Hyderabad.
2. The Commissioner of Income Tax, Vijayawada.
3. One copy to Mr. V. Jagapathi, Advocate, CAT, Hyderabad.
4. One copy to Mr. N.R. Devaraj, Sr. C.G.S.C., CAT, Hyderabad.
5. One copy to D.R.(A), CAT, Hyderabad.
6. One duplicate.

srr

9/12/97
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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S.DAI PARAMESWAR :
M(J)

Dated: 19/12/97

~~ORDER~~ / JUDGMENT

DA./R.A./C.A. No.

in
D.A. No. 1479/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of With Directions

Dismissed

Dismissed as Withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

SRR

III Court

